

COUNCIL MEETING

SEPTEMBER 5, 2012

The Council Meeting of the Council of the County of Kaua'i was called to order by the Council Chair at the Council Chambers, 4396 Rice Street, Room 201, Lihu'e, Kaua'i, on Wednesday, September 5, 2012 at 9:36 a.m., after which the following members answered the call of the roll:

Honorable Tim Bynum
Honorable Dickie Chang
Honorable KipuKai Kuali'i
Honorable Nadine K. Nakamura
Honorable Mel Rapozo
Honorable JoAnn A. Yukimura
Honorable Jay Furfaro

APPROVAL OF AGENDA.

Mr. Chang moved for approval of the agenda as circulated, seconded by Mr. Kuali'i, and unanimously carried.

MINUTES of the following meetings of the Council:

May 30, 2012 Special Council Meeting
June 13, 2012 Council Meeting
June 13, 2012 Public Hearing re: Resolution No. 2012-42, Bill No. 2436, and
Bill No. 2437
July 25, 2012 Special Council Meeting
July 25, 2012 Council Meeting
August 8, 2012 Council Meeting
August 22, 2012 Public Hearing re: Bill No. 2441 and Bill No. 2442

Mr. Bynum moved to approve the Minutes as circulated, seconded by Mr. Chang, and unanimously carried.

CONSENT CALENDAR:

C 2012-355 Communication (08/13/2012) from the Executive on Transportation, transmitting the following:

1. for Council information, the Kaua'i Community College Public Transit Pilot Project Report, and
2. for Council consideration, amendments to Chapter 17A, Kaua'i County Code 1987, as amended, to address the discount bulk bus pass rate proposed for Kaua'i Community College students:

Mr. Chang moved to receive C 2012-355 for the record, seconded by Mr. Kuali'i, and unanimously carried.

C 2012-356 Communication (08/13/2012) from the County Engineer, transmitting for Council consideration, amendments to Ordinance No. B-2012-737, Relating to the Fiscal Year 2012-2013 Capital Budget and Ordinance No. B-2012-736 relating to the Fiscal Year 2012-2013 Operating Budget to address utilization and transfer of funding from the Reserve Fund which will be used for the initial Disaster Response for the incident period of March 3-11, 2012 referred to by the Federal Declaration of April 18, 2012 referred to as FEMA-4062-DR-HI: Mr. Chang moved to receive C 2012-356 for the record, seconded by Mr. Kualii, and unanimously carried.

C 2012-357 Communication (08/15/2012) from the Director of Finance, transmitting for Council information, the Inventory Report for the Fiscal Year Ending June 30, 2012: Mr. Chang moved to receive C 2012-357 for the record, seconded by Mr. Kualii.

Mr. Kualii: I just wanted to make a quick comment about the Inventory Report – C 2012-357. I just had a chance to look over the Inventory Report really quickly and I just wanted to share a couple of things from the summary. In our general fixed assets, our structures and improvements General Plan is around five million dollars, our computer equipment is around a million dollars, and our transportation equipment is around two million dollars. Our additions to the inventory for the last fiscal year was about five hundred thousand dollars and the largest amount was in Transportation which was slightly over two hundred thousand dollars, which is probably increasing our fleet at the buses. Thank you, Mr. Chair.

Chair Furfaro: Thank you very much for that very complete recap of the asset report.

The motion to receive C 2012-357 for the record was then put, and unanimously carried.

C 2012-358 Communication (08/20/2012) from Councilmember Kualii, providing written disclosure of a possible conflict of interest and recusal on C 2012-348(2), relating to the request for Council approval to include "Proposal 2," which is "A Bill For An Act Relating To Affordable Housing Credits" in the 2013 HSAC and 2013 County of Kauai Legislative Package, on the August 22, 2012 Council Meeting, because he is a Board member of the non-profit organization Hui Kaka'oAina Ho'opulapula, which works directly with the Department of Hawaiian Homelands (DHHL): Mr. Chang moved to receive C 2012-358 for the record, seconded by Mr. Kualii, and unanimously carried.

C 2012-359 Communication (08/24/2012) from the Director of Finance, transmitting for Council consideration, amendments to Ordinance No. B-2012-737, relating to the Fiscal Year 2012-2013 Capital Budget, to appropriate Community Facilities District (CFD) No. 2008-1 Series 2012 Bond Funds to specific projects in the Kōloa-Po'ipū area that were identified and approved via Council Resolution No. 2012-25, Exhibit A (Kaneiolouma Heiau, Po'ipū Beach Park Parking/Drainage Improvements, and Complete Streets Projects – Kōloa – Po'ipū Area): Mr. Chang moved to receive C 2012-359 for the record, seconded by Mr. Kualii, and unanimously carried.

There being no objections, Proposed Draft Bills Nos. 2447 and 2448 were taken out of order.

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2447) – AN ORDINANCE AMENDING ORDINANCE NO. B-2012-737, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND – CIP: Mr. Kualii moved for passage of Proposed Draft Bill No. 2447 on first reading, that it be ordered to print, that a public hearing thereon be scheduled for September 19, 2012, at 8:30 a.m., and that it thereafter be referred to the September 19, 2012, Committee of the Whole meeting, seconded by Mr. Chang, and carried by the following vote:

FOR PASSAGE:	Bynum, Chang, Kualii, Nakamura, Rapozo, Yukimura, Furfaro	TOTAL – 7,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Proposed Draft Bill (No. 2448) – AN ORDINANCE AMENDING ORDINANCE NO. B-2012-736, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013, BY REVISING AMOUNTS ESTIMATED IN THE GENERAL FUND: Mr. Kualii moved for passage of Proposed Draft Bill No. 2448 on first reading, that it be ordered to print, that a public hearing thereon be scheduled for September 19, 2012, at 8:30 a.m., and that it thereafter be referred to the September 19, 2012, Committee of the Whole meeting, seconded by Mr. Chang, and carried by the following vote:

FOR PASSAGE:	Bynum, Chang, Kualii, Nakamura, Rapozo, Yukimura, Furfaro	TOTAL – 7,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

COMMUNICATIONS:

C 2012-345 Communication (07/31/2012) from the Director of Parks and Recreation, requesting agenda time to brief the Council on the Multi-Use Path Quarterly Report for the period December 2011 to June 2012: Mr. Rapozo moved to receive C 2012-345 for the record, seconded by Mr. Chang.

There being no objections, the rules were suspended.

LENNY RAPOZO, Director, Department of Parks & Recreation: As we have agreed, this is our semi-annual report for the ongoing project of Ke Ala Hele Makalae, the Kauai Coastal Health and Heritage Trail or “The path that goes by the coast.” I prepared a brief PowerPoint and presentation and you all should have a copy before you as to the time period from January 2012 to June 2012 as to the current status of this ongoing project. (See Attachment 1 hereto for a copy of the PowerPoint presentation.)

In summary, the Bike Path Task Force continues to work toward completing the bike and pedestrian path and the following is the summary by phase. Phase one (1) is the Lydgate Park construction-completed in 2004. Phase two (2) is the Kapa'a to Keālia construction-completed in 2010. Phase three (3), which is the Lydgate Park to Kapa'a, the Wailua Bridge section, the final construction on the path and bridge opened on May 31, 2011. Phase (a), Lydgate Park to the north end of Papaloa Road and the Kawaiahu Spur is currently under construction. Phase (b), which would be the Moana Kai – Niulani section, the Notice To Proceed was issued on June 18, 2012, and phase (c) and (d), the supplemental environmental assessment is currently in progress. Phase four (4), the Ahukini Landing to Lydgate Park is in the planning and permitting phase. Phase five (5), Kuna Bay to Anahola, that planning work is still and currently postponed, and phase six (6), Nāwiliwili to Ahukini Landing is currently in the planning and permitting phase.

Ms. Yukimura: Question – the phase (b) under phase three (3), you said that is the Moana Kai to what?

Mr. L. Rapozo: Moana Kai, Niulani up to the Safeway Bridge.

Ms. Yukimura: Okay.

Mr. L. Rapozo: Work completed-the Kapa'a to Keālia construction contract has been closed. The Lydgate to Kapa'a, Wailua Bridge section the construction has been completed. Phase (a), of that Lydgate to Kapa'a, we continue to finalize land acquisitions, construction contract was executed, the NTP for that particular phase of the project was issued on November 1, 2011. The ground breaking and construction is ongoing and Kaikor Construction is currently doing that work for five point six million dollars.

Phase (b), we completed or finalized land acquisition, we secured construction funding, the construction contract was executed, and the NTP again was issued on June 18, 2012. In phase (c) and (d), the supplemental environmental assessment is ongoing, the 106 process was commenced with the NHO with a Protocol Committee was convened and that was completed, and the scheduled 106 meeting with the Native Hawaiian Organizations commenced on August 2012. What I would like to point out is that in the 106 process and with the Protocol Committee, one of our wonderful Deputy County Attorney Mauna Kea Trask who handles the cultural side of this project has combined the principles of Hooponopono with the 106 process. Through the okay by Federal Highways with the 106 process and using it, we have made some incredible strides which is kind of a ground breaking process now, it is something that is out of the box and it seems to be helping us move this project and getting the necessary information and the process together in dealing with the NHO's and furthering the 106. We anticipate once we complete this process of the 106, there is a really strong chance that this is going to be used Statewide in dealing with historical properties and the 106 process. Kudos to Al's Deputy County Attorney, Mauna Kea Trask, and Al's support for allowing Mauna Kea to use his out of the box thinking to get us to go this far. Phase four (4) is the Ahukini Landing to Lydgate Park. We have consulted with identified NHO's and the area historians and that is also an ongoing 106 process. Phase five (5), Kuna Bay to Anahola, upon completion of the Ahukini Landing to Lydgate, we will resume initiating this phase of the bike path and again start with the consultant to resume this work. The Nāwiliwili to Ahukini Landing phase six (6), we are moving forward with the 106 meetings that are being done as we speak.

Work to be completed in phase three (3), the Wailua Bridge section. The State for maintenance of the bridge and the path along that corridor, amongst the bridge itself. Aston Aloha Beach Hotel has agreed to adopt the section of the path that runs adjacent to the hotel and we will be working with them to execute an Adopt-a-Park agreement for that area. Phase (a), we continue to manage the construction contract work and the construction in State right-of-way, and obtain the Department of Defense (DOD) IRT Grant for the Kawaihau Spur to complete the elevated Boardwalk. If we all recall, at one point when we made the presentation for this particular Kawaihau Spur elevated Boardwalk, the bid came in at what we believe to be very high and so we have initiated applications with the DOD and the IRT's – this team here is what in the past was known as the CB's, they will come up and do a design build of the Boardwalk. We have spoken with a volunteer in the community who will shred the area that the Boardwalk will occupy on the hill going up to Kawaihau and the DOD will send their engineers and we anticipate them being here at the end of the year to review the area and come up with some designs and we are very confident that that project will be done by then.

Ms. Yukimura: Excuse me, can you tell us what IRT is?

Mr. L. Rapozo: Innovative Ready Team, I think it was.

Ms. Yukimura: It is from the Navy?

Mr. L. Rapozo: Department of Defense, Army.

Ms. Yukimura: Okay.

Ms. Nakamura: I just wanted to say that the sidewalk along Kawaihau Road from Kūhiō Highway up to that hill area, looks like most of it is done.

Mr. L. Rapozo: Yes.

Ms. Nakamura: And it looks great, nice wide...what is it, eight (8) feet wide?

Mr. L. Rapozo: Eight (8) feet.

Ms. Nakamura: Eight (8) feet wide concrete sidewalk and it is much safer now.

Mr. L. Rapozo: For walking.

Ms. Nakamura: For walking, yes.

Mr. L. Rapozo: They should be done with the beginning and the end of the Landing and in between will just be the elevated sidewalk, the elevated Boardwalk that will have to be completed for that section.

In phase (b), the construction for the path we anticipate it to commence in mid-September of this year. In phase (c) and (d) we hope to publish the draft supplemental EA, and continue engagement of the NHO for the 106 process.

In phase four (4), we need to resolve the National Historic Preservation Act or the Section 106 Consultation process and complete the Environmental Assessment for this phase. Phase five (5), again, no work is currently being done, it is on hold pending completion of other phases of environmental and planning work. Phase six (6), same as phase four (4), is that we resolve the National Historic Preservation Act, Section 106 Consultation process and complete the Final Environmental Assessment of these particular sections. Phase four (4) and six (6) are pretty much working on the same track in terms of what we are doing with the 106, the consultation process and identifying historical properties.

On page eight (8) of your handout is some of the pictures of the construction work that had taken place on the upper and lower part of the Kawaihau Spur for your review. On page nine (9) is the ongoing work that is currently being done on Papaloa Road by the Sea Shell. On page ten (10), we continue with our maintenance programs, one with the safety barriers, two (2) with the Path Maintenance Program as we continue to work with Friends of the Path to organize volunteers to continuously clean the Kapa'a Lihi to Keālia section. Signage is always a continue work in progress to maintain sign and recently we are trying to look at the alternate materials as identified in the third part here. We are finding that the signs are deteriorating pretty rapidly with the metal signs and so we looked at different composites as well as wood, so right now we bought a lot of wood and we are going to try and see how much better the wood will last with 4x4 post and signs being pasted on those posts. And enforcement continues with periodic checks along the path with our Parks Rangers.

Chair Furfaro: The sign deterioration, your concern is from the sea sprays?

Mr. L. Rapozo: Yes.

Chair Furfaro: Okay. I just wanted to confirm that because I have to introduce a new bill for the no fishing signs at Lydgate because DLNR wants to see this authority given but we are going to be facing a replacement of sign issue, not just for Lydgate but for all of the bike path.

Mr. L. Rapozo: Yes.

Chair Furfaro: Is this a permanent recommendation you are making that we are going with signs that are wood?

Mr. L. Rapozo: The signs are not wooden, I am sorry, it is the posts that are wood.

Chair Furfaro: I got it. I am sorry, I thought you were talking about... like sand blast the wood signs... I am good. Okay, understood now.

Ms. Nakamura: Lenny, I know I sent you some correspondence about the signage and the post deteriorating and so forth and I think while we are waiting for the new post, it is possible to... some of the posts have broken apart, so they are exposed, so I am just wondering if...

Mr. L. Rapozo: I need to follow up on that because from my understanding is the replacements should have been done already.

Ms. Nakamura: Okay.

Mr. L. Rapozo: So, I need to follow up and see but... because we purchased the posts.

Ms. Nakamura: Because it is pretty dangerous since they are broken in half, the metal is exposed and if...

Mr. L. Rapozo: Yes.

Ms. Nakamura: ...and if it is going to take a while to get the right signage then...

Mr. L. Rapozo: I need to follow up because my understanding is that they are supposed to be replaced.

Ms. Nakamura: Okay, thank you.

Ms. Yukimura: Regarding the sign post, has there been any exploration for using recycled plastic lumber?

Mr. L. Rapozo: We have not looked at that.

Ms. Yukimura: Because that might even last longer than wood.

Mr. L. Rapozo: Yes, we looked at a composite of recycled material like what they made the bench.

Ms. Yukimura: That is what I am thinking of.

Mr. L. Rapozo: Yes.

Ms. Yukimura: Okay, so you have looked at that?

Mr. L. Rapozo: We have looked at that, yes. And the cost, I think, the 4x4 post, the cost was a little bit cheaper and so we are going to see how that holds up before we move on to something else.

Ms. Yukimura: Good. Well this is all good learning for future segments of the path.

Mr. L. Rapozo: Definitely.

Ms. Yukimura: And our specs for the initial signs, that is great, thank you.

Mr. L. Rapozo: The projects funds expended to date – Federal Funding now exceeded \$34,289,502.00 and the County's share continues to be at \$569,183.00 that has been no change. Total dollars spent is \$34,867,685.00.

In your book is the breakdown in terms of moneys that are being expended that shows the Bikeway Fund, County Operating Fund, the County Bonds, CIP County moneys, HUD Grants, Transportation, Federal Highways and total amounts for your review and each project. I know we had lengthy discussions about this

allocation of in-kind contributions to the various projects and those continue to be maintained. The last slide is the Task Force Meetings on page twelve (12) and in your book, you will have the agenda and the minutes of those meetings. With that being said, that concludes my presentation.

Ms. Yukimura: I mainly want to say that this is an excellent report and thank you for your work and thank the Task Force for their work too. I am especially excited to hear about the Hooponopono process and yes, we just saw Mauna Kea Trask come in and then leave, but to have that kind of innovative approach and culturally based approach to solving some of the conflicts that have arisen is really a wonderful thing and maybe we will have application not only to other multiuse path and highway projects but also to other areas of conflict in public policy, so thank you for that leadership. Lastly, I just want to reinforce what you said about the expenditures of money, it is really remarkable that the County has spent not even a million but half a million dollars to secure thirty-four million dollars in Federal moneys, that is an outstanding use of County money, I would say.

Mr. Bynum: I want to also thank you for the report. For the last couple of years we got, I think the County has really gotten their act together about how to manage this project and deal with issues that come up and I appreciate your leadership with that. I did attend the first 106 meeting because it is... maybe historic but I want to ask a couple questions. I want to make sure I got it right that these 106 issues that have been a Statewide concern and not just here but how that process has gone on our projects and others has been really called into question over that last few years and I think appropriately so. Is that your understanding as well?

Mr. L. Rapozo: Yes, and it is really a... the 106 process is part of the Federal mandate when there is Federal moneys involved to identify historic properties and to mitigate when historic properties are found. From what I see is that prior to this process that we are using now for this portion of bike path, there really was not someone to control the 106 to be able so that the Native Hawaiian Organizations can communicate and move the process along. With the Protocol Committee that was developed, you take the well-respected elders within the Hawaiian community and they become the Protocol Committee. From this Committee, they agree who should be the Poo or the head, in this case Chair Furfaro, would be the Poo of this organization, and the communication or the direction or leadership will funnel through the Poo. Even for us as a government entity or even for you if you sat there, anything you address would be addressed to the Poo and it is with that framework and in getting the job done for the 106 or getting the information to move the 106 process which is what has made this an historical type of meeting or event to get through... to get the 106 get done. We have seen challenges with the four (4) lane highway that have not completed that process yet. We have had other challenges with other sections of the bike path to get those challenges to get the 106 process done. With this process, we have a Poo and being able to communicate and move it along. It is still very inclusive where any NHO that wants to contribute or be part of the process, they are welcome in but it is done through someone who is well respected and is a leader.

Mr. Bynum: I just want to comment that I have been to... I cannot... numerous meetings about this and other projects and it was totally different. Usually we have a consultant who may come from O'ahu and not be that connected to local community that is in the front facilitating the process. This

process was being facilitated by Kaua'i people and it has kind of turned the table where local people are facilitating and the consultants are contributing rather than the other way around. I really have great interest in that and appreciate the leadership from the County Attorney's Office and the Parks Department and the Native Hawaiian Organizations to come together and that is what we can do on Kaua'i even when there is disagreements to find a respectful way to come to the best conclusion that can. I am very interested in how that proceeds and so far so good, it looks like.

Mr. L. Rapozo: So far so good and it really looks to... the main purpose is really to abstract information of the area of impact and everything that happens within this meeting is forwarded to the consultants to take it to the 106 process. Even as part of the process, if the NHO is not comfortable with public testimony, there is still a way for them to do it quietly on the side individually, confidentially if that is their choice. The 106 process, there is nothing that we are doing that circumvents the 106 process but yet it provides a cultural, respectful way to abstract the information to meet our goals.

Mr. Bynum: In the past it seemed like consultants was like let us do the minimum for us to get through this process; where this is like no, let us do what is required to really fulfill the mission of the process to get all of this information.

Mr. L. Rapozo: Part of it was... what came out of this protocol meeting was there was some other families from the Niumalu to Ahukini that were identified which that is where I grew up which are my relatives. We went out with staff of mine and did the introductions and the talk stories and gathered this information as part of the 106 process. Again, it is new, but we are still able to do what is appropriate to get the information to talk and facilitate the movement of the 106.

Mr. Bynum: Thank you.

Mr. Rapozo: Lenny, phase (c) and (d) of phase three (3), where is that?

Mr. L. Rapozo: Phase (c) and (d) is from the Papaloa up to you get to Coconut Beach... I am sorry, from Coconut Market Place in between Islander and the hotel next to it, there is a right-of-way to the beach, an access to the beachfront.

Mr. Rapozo: On Papaloa?

Mr. L. Rapozo: From Papaloa to... between Islander and Kaua'i Sands, there is a right-of-way that gets you to the frontage of the beach. If you remember initially, Mayor Baptiste had said we are going across the street through the lands on the backside; Mayor Carvalho felt that we should keep it on the beach and stay on the coastal path as much as we can and this was one of the alternate identifiable routes that was done in the initial EA but it was never completed as part of the final EA. Mayor Carvalho suggested that we move through there and get it through the beach side and so (c) and (d) would be that particular section.

Mr. Rapozo: That is on Papaloa?

Mr. L. Rapozo: From Papaloa to the front of the beach fronting Islander towards the vacant...

Mr. Rapozo: And this is makai side of the properties?

Mr. L. Rapozo: Makai side, yes. Along the beach, yes. Not on the beach – beach but on the makai side.

Mr. Rapozo: Right.

Mr. L. Rapozo: Those two (2) vacant properties up to Coconut Beach Makaiwa and then you would exit up towards the Bullshed.

Mr. Rapozo: And that is... the 106 is still in process?

Mr. L. Rapozo: Correct. Now when we made that move, we needed to do the supplemental EA to complete that portion and that is what we are doing right now with what we have been discussing.

Mr. Rapozo: On page four (4) it says that there was a 106 meeting in August with the NHO?

Mr. L. Rapozo: Yes.

Mr. Rapozo: And how did that go?

Mr. L. Rapozo: That is the historic meeting that we have been talking about – it was awesome and again, the Poo was there and she handles the meeting and we all direct everything through her.

Mr. Rapozo: Wailua Beach, that section, I know I had concerns from the community because I think you have seen the beach, it has disappeared – the sand and the water is getting really close again to the road much like we are seeing in Kekaha. Is it still the plan to go along the...

Mr. L. Rapozo: The right-of-way.

Mr. Rapozo: The right-of-way which is still on the makai side of the wall, right?

Mr. L. Rapozo: Correct.

Mr. Rapozo: And that is still going to be the plan even with the erosion coming up?

Mr. L. Rapozo: Yes. We have enough.

Mr. Rapozo: Yes, we have enough now but as the erosion continues I think...

Mr. L. Rapozo: We have looked at some previous programs that track beach erosions around the island and some of this pictures they show go back to 1929. What is happening on that Wailua littoral cell which would be from the point past seashore to that point there towards Kaua'i Beach Resort, that littoral

cell, what is happening there is no different than what happened in 1975, and eventually, hopefully with the change in our weather with more southern storms and southern swells, that would bring the sand from the river back to where it was.

Mr. Rapozo: But we do not know how much more erosion will take place on that beach. My concern is you put the path on the beach, on the... it is a right-of-way but it is still on the sand and as the erosion continues, like again, nobody thought Kekaha would lose all its sand if you went back three, four, five years ago – everybody thought it was the cycle and it is. I have heard now from some of the old timers that the last time they saw that happen in Kekaha was about sixty years ago where all the sand went away and eventually it comes back, but had you put a structure on the sand, the structure would be gone today. That is the concern of myself as well as many other constituents that why are we going to invest this money on a path like we did in front of Pono Kai knowing that there is a good chance that more sand will disappear. I guess I do not want to see that we are forced to put a seawall to protect an asset of the County which is the bike path.

Mr. L. Rapozo: Yes.

Mr. Rapozo: I mean either we build it and watch it wash away or protect it with a seawall which is something that we should not be doing. I think that is the concern as well as many others in the community that frequent that beach.

Mr. L. Rapozo: We also recognize that and asked the consultants – the design consultants to maybe come up with a couple other ideas as to what we can do to hopefully minimize that, not in terms of touching the ocean or building walls or something of that nature, but what are some of the other options to construct what we hope to have there.

Mr. Rapozo: When are we scheduled to actually lay the concrete down on that section?

Mr. L. Rapozo: Ground breaking we anticipate this month – September.

Mr. Rapozo: This month?

Mr. L. Rapozo: Yes, but they are still working... the same contractor has that portion, they are still working on Papaloa. We need to finish Papaloa first before we jump there but the contract should have been for September.

Mr. Rapozo: So the consultant really... it is kind of late for the consultant if we are going to be breaking ground this month.

Mr. L. Rapozo: The contract says for September but they are not going to get to it until they finish Papaloa, so we have a few months – couple months.

Mr. Rapozo: Okay. I know loose dogs, another concern on the path. I know you get the calls because we do. I am going to be scheduling a meeting with Police and The Humane Society because apparently nobody is doing it. You limit it with Park Rangers. How are we taking care of that issue?

Mr. L. Rapozo: What we do is when we get the call, we ask what kind of animal, color, the person, and about what time. Normally if it happens on the path, it is somebody who walks their dog, uses the path, or pretty much on the same type time basis. We send out rangers over there to monitor and see if we can hopefully catch it. Like most park facilities, what people often do is that they get down to the ocean, knowing that that is not where our guys have jurisdiction, and they let their dogs walk. We all know that to get there they have to cross through our park. So that is some of the challenges that the rangers face. Normally what we do is that we get the calls and ask for what time of the day and then we try to make sure that a ranger is within that area in the next couple of days to try and monitor that situation.

Mr. Rapozo: Have they issued citations?

Mr. L. Rapozo: They have issued some citations. I do not know what the number is.

Mr. Rapozo: That is fine. And then the poop bags, whose responsibility is it to refill those?

Mr. L. Rapozo: The Kaua'i Humane Society made that committment.

Mr. Rapozo: I know they made the commitment, but it is not being refilled, as I have heard.

Mr. L. Rapozo: Well, we need to check on that.

Mr. Rapozo: If you could follow-up with them, because that obviously causes problems for our maintenance guys because they have to clean it up.

Mr. L. Rappzo: Yes.

Mr. Rapozo: The bag holders are there, but what I am hearing it is not being refilled. And one last question and I am not sure if this may have to go across in writing, but the recent decision on O'ahu, the Supreme Court decision regarding the Rail Project on O'ahu, does this impact this project in any way?

Mr. L. Rapozo: In our last task force meeting we asked about that. It does not. We have asked how does it affect or does it affect and we go beyond that level.

Mr. Rapozo: So we are comfortable with it?

Mr. L. Rapozo: We are good.

Mr. Rapozo: That is all I have, Mr. Chair.

Chair Furfaro: Mr. Chang, you have the floor, and Mr. Kualii after that.

Mr. Chang: Good morning, Lenny.

Mr. L. Rapozo: Good morning.

Mr. Chang: I had a question. On page 12 you have your Task Force Meetings and the dates. Is the public welcomed to participate?

Mr. L. Rapozo: I guess they are welcomed. It is a public meeting. We do not post it or anything, but it is more just a task force to move the project along. If you notice, the people that are on the second page of this book are the decision-makers of the County on page 2, and they make up the task force. And the task force is really just to move the project.

Mr. Chang: It is posted but we do not...

Mr. L. Rapozo: No, we do not post it as a 30-day thing. It is just an internal meeting for two of the projects.

Mr. Chang: Should this be open to the public?

Mr. L. Rapozo: It can be.

Mr. Chang: No?

Mr. L. Rapozo: It can. They can come, but as I said, it is a group of people, the decision-makers to move the projects.

Mr. Chang: I understand. Thank you.

Chair Furfaro: Mr. Kualii.

Mr. Kualii: Thank you, Mr. Chair. Aloha and mahalo, Lenny, for being here and for the work that you do. You know on page 4, the different phases, a, b, c and d, you had answered Councilmember Rapozo's question that "c" and "d" is basically the section makai of the marketplace after Papaloa Road and Kaua'i Sands. If the first bullet says Wailua Bridge section, that is like the phase before phase "a" and then you start coming through a, b and c?

Mr. L. Rapozo: Wailua Bridge was something that the State did. That was their project. The County project as we identified as a, b and c is listed here.

Mr. Kualii: "A" is the first section after the bridge, or the beach in front of Coco Palms?

Mr. L. Rapozo: Phase "a" was identified as being Wailua Bridge, Papaloa, and the Kawaihau spur.

Mr. Kualii: Papaloa and?

Mr. L. Rapozo: Kawaihau spur.

Mr. Kualii: So that whole entire area and everything in between?

Mr. L. Rapozo: The whole, from the bridge to Papaloa and then the Kawaihau spur.

Mr. Kualii'i: Okay. So in the section with the Wailua beach, across Coco Palms, there was a 106 process that has been completed?

Mr. L. Rapozo: Yes.

Mr. Kualii'i: I do not expect it to be in this report because this is sort of like a summary overview but does the County publish the results of that? Who participated? What was discussed? The minutes? All of that? And what came out of it? Did the organizations ultimately agree or disagree? Was their input considered and utilized? What was the whole process results?

Mr. L. Rapozo: Those informations that you are asking for is available as part of the E.A. for that particular session of the path.

Mr. Kualii'i: It is published, available, or somebody has to ask for it? Like if I went to the County's website now and under Parks & Recreation, would I see it there?

Mr. L. Rapozo: It will not be published there. You would have to ask.

Mr. Kualii'i: Is any of this regarding the development and progress of the path on the website?

Mr. L. Rapozo: No, it is not an ongoing something that we publish on the website.

Mr. Kualii'i: Okay. So I guess I want to know and I want to share with the public, too, what the results was of that process. Because if you are breaking ground, I am assuming that you got the all-clear. I see here notice to proceed but that is...

Mr. L. Rapozo: A lot of the issues when we did that and that is what we are talking about in some of the meetings prior to what we currently have was the—for many chose was that there were burials where we were going, even though where we are going, the ground was currently disturbed because it is in the State right-of-way. So as part of assuring that there is not anything, there was an archaeological survey done and there was not anything done. But my point was that action came up as part of the 106 discussions in trying to identify historical properties. So yes, those things have been talked about. We have followed-up with them.

Mr. Kualii'i: So in that process, the 106 process for Phase a, what were some of the N.H.O.s? O.H.A.? D.H.H.L? The big organizations?

Mr. L. Rapozo: As well as people.

Mr. Kualii'i: As well as families, hālau, and civic clubs. The other thing is on page 5, there is Phase 4, Phase 5 and Phase 6. Both Phase 4 and Phase 6 you are having meetings, 106 process. Whether it is on the beginning or middle part of it. But phase 5, there are no meetings?

Mr. L. Rapozo: Yes.

Mr. Kualii'i: And that is just—what is the reason for that?

Mr. L. Rapozo: I believe in our previous presentation that we did, and we have explained and we talked about this, that the Anahola community did not want it to happen and I believe at that meeting you had showed us the draft report or the report that was done that D.H.H.L. had won an award for in your plans there. So we have taken those plans that you have given us a copy of that. This, again, this work that we are showing here is from January of this year to June. So in this time period, that portion of the path or Phase 5 is still placed on hold.

Mr. Kualii'i: But the reason for the hold is not about—is it just about resources?

Mr. L. Rapozo: Before I came aboard on the County, there was community resistance.

Mr. Kualii'i: But since that last meeting, and since my pointing you in the direction of what the community did, the Anahola Town Center plan and the overwhelming support for that by the community. That was the evidence to you to move forward, or to go back to the community, if you do not believe the process that they went through.

Mr. L. Rapozo: It is not that we do not believe the process, but we also did get letters from other people in the community that still opposes it. We still have it on hold yet. In the next six-month report we will do at the end of the year and we will show you that we have started some process.

Mr. Kualii'i: The only other thing I would say is that Anahola should not be treated any differently than any other community. If you have organized community associations that do the work of educating the public and are supportive and they do their strategic planning, and all of that, that you have to recognize that, and give it more weight than a letter from an individual. Now if you do that across the island, that is what you do, but I just want to point out to you further that now the new neighborhood, Pi'ilani Mai Kekai, has established their new homeowner's association. So I can share that information with you as one more community group to work with, as you move forward.

Mr. L. Rapozo: If you are insinuating that we are treating Anahola any different than anybody else, we are not. As I had mentioned to you earlier, we will show you that we are taking some steps with this Anahola area with the consultant, but during the phase of January to June, it is as I reported to you.

Mr. Kualii'i: Okay. I just hear you saying that the reason that the County is choosing not to move forward is because of resistance. That is the word you used, "resistance" from the community.

Mr. L. Rapozo: Yes.

Mr. Kualii'i: But the only formal process that the community went through after the County's meeting. The County had their meeting two or three years ago.

Mr. L. Rapozo: (Inaudible).

Mr. Kualii'i: There were 35 people in attendance and all 35 said no. Since then, as a community, we have been exploring what that "no" meant and the no was more about, "No do not do this behind our back directly with the department in Honolulu. Talk to the local community and also, no, we do not want this path to go down into the beach park, where you might put in a big parking lot and have buses come because now that is the end point and all of north shore will park at our quaint little beach park with a dirt road to get onto this bike path." So those were the no's. In this town center plan, in three days was an expedited process. I showed you the plan. You can go to the website. It is there, full community input saying, "If this path comes to Anahola, this is how we want to see it. We do not want to see it come to the bike path and all of that. We want to preserve some of the lateral accesses for fishermen." So do not just write it off as no. Look at what has developed since the County meeting two or three years ago.

Mr. L. Rapozo: Again, do not put words in my mouth. I have never written it off as no, but I do believe at some point that the Anahola community may want it to be resumed and we are always open to that. Further, all of what you said will come out through the E.A. process and that E.A. process has been afforded to us take place.

Mr. Kualii'i: I just see Phase 4 is having meetings and then you jump over Phase 5 and Phase 6 is having meetings and you just told me the reason Phase 5 is skipped over not because of your choice of limited resources, but because the community has resisted. I just heard you say that.

Mr. L. Rapozo: That is right. While they resisted and this thing was postponed, Phase 4 and Phase 6 continued to move. We continued to work with Phase 4 and Phase 6. So you want us to put Phase 5 above Phase 4 and Phase 6, is that what I am hearing? But no—

Council Chair: Gentlemen, I sense some very good dialogue here about some points and at the same time, I want to make sure that we accept those for being respectful and I think the conditional questions that Mr. Kualii'i raised about certain provisions, providing access, not turning the beach park into a large developed parking lot are well-taken. At the same time, I think Mr. Rapozo, his approach to this has been quite an improvement, and I think we can find a common area. So I would like to say you two gentlemen can continue to have this discussion, but you both raised good points. And I appreciate the approach by Mr. Rapozo.

Mr. Kualii'i: Thank you, Mr. Chair.

Chair Furfaro: And I appreciate your comments that the decision is a community-based decision and not a decision that happens in Honolulu. Very well-taken.

Mr. Kualii'i: Thank you, Mr. Chair. I just have one last quick question.

Chair Furfaro: Go right ahead.

Mr. Kuali'i: On one of the pages with the budget, I guess, the first page after the long page. I think it is a fairly simple question. In this cost figures and all the huge amount of moneys coming from the Federal grants and then the County's share. The County's share column says, "In-Kind Contribution." Could you give me a quick explanation of that? Is it primarily the land that sits under the actual path, the value of the land that sits under the path?

Mr. L. Rapozo: These are lands that either donated or acquired by the County. An appraised value is done of these lands and we are giving credit to four times that donation and that is being used as the In-Kind Donation—I am sorry, In-Kind Matching as the County portion.

Mr. Kuali'i: So the In-Kind Matching, we get the credit of four times the value, you said?

Mr. L. Rapozo: Correct.

Mr. Kuali'i: And the land is not only the land that sits under the path, but surrounding lands as well?

Mr. L. Rapozo: No, the path.

Mr. Kuali'i: Physically just under the path. Okay. And the majority of the path is still scheduled to be concrete, like 6 inch or whatever?

Mr. L. Rapozo: Correct.

Mr. Kuali'i: So I would argue and put the point forward that the County is making a huge investment towards this path, and that is the land. And the land is, even though it is not money, it is still very valuable. I know even for me personally in my house, my dad's house too, when you decide to put a shed in the backyard, and you put down the concrete slab, you are giving up something, because concrete is covering that soil and that ability to grow things. So I just want to recognize that the County is indeed putting a huge investment into this path. The Federal Government might be giving the millions of dollars, but we are giving millions of dollars worth of good, raw land to be covered by concrete. It is a values thing and it is a good thing to have people to more easily move along the path, but right there you show it as \$11.3 million, so just to recognize that. Thank you.

Chair Furfaro: Okay. Before I recognize anybody a second time, would you folks mind if I just take the floor? Lenny, this erosion piece we have talked about, I wonder if there is any way, because this has been a very busy eastern Pacific storm season. If you look at the number of tropical cyclones that have developed off of Costa Rica and Mexico and those storms generate eastern swells that come up on the east coast of Kaua'i and so forth. Is there any way that we could talk to the National Weather Service and get a kind of idea of what kind of storm summer this has been in the eastern Pacific? It might be good to find out if we can have some history about the number of tropical cyclones that have developed in the eastern Pacific. I think that could be valuable information for us as we go through these cycles of shoreline erosion. I also want to compliment you on the book presentation. It constantly shows improvement to having a clearer picture of what values are and how we are phasing in the work. So my compliments to you.

Mr. L. Rapozo: Thank you.

Chair Furfaro: Vice-Chair Yukimura?

Ms. Yukimura: Yes. On page 6 where you note that Aston Aloha Beach hotel has agreed to adopt the section of the path adjacent to the hotel, is this the first resort that has participated in maintenance of the multi-use path?

Mr. L. Rapozo: No Kahalani, actually. Kahalani was probably the first one when they built Lydgate.

Ms. Yukimura: Are there others?

Mr. L. Rapozo: We hope to have others, as we increase the path. From Papaloa there are the Condos. We are in discussion with them. We also discussed it with The Islander. They are very much interested. Sandy Kato is all for it.

Ms. Yukimura: I think it is a wonderful partnership.

Mr. L. Rapozo: I think so, too.

Ms. Yukimura: And really commend these Aston Aloha Beach and Kahalani for stepping forward.

Mr. L. Rapozo: They recognize it as being an amenity to their hotel as well.

Ms. Yukimura: Absolutely. It is a win-win for all of us and it is nice to see the resorts along the way taking ownership, so to speak, in terms of some responsibility.

Mr. L. Rapozo: We need to work with them and we continue to work with them, because the path goes along their frontage.

Ms. Yukimura: Right.

Mr. L. Rapozo: We need to commend Aloha Beach Resort because they provided the water during the initial...when we landscaped the path for that one year. They provided the water for irrigation. So we are very fortunate that Kaua'i is Kaua'i and these people are willing to step up.

Ms. Yukimura: It is a wonderful amenity that their visitors can just step right onto the path and use it. It is wonderful that it is becoming a community path in the sense of the different properties along the way and also our community embracing it and using it and helping to maintain it. It is a very nice vision. Thank you.

Mr. L. Rapozo: Thank you.

Chair Furfaro: Councilmember Nakamura?

Ms. Nakamura: I just wanted to say this is such an integrated project with so many different departments involved, that looking at all of your meeting agendas and summaries, it takes this integrated approach for a project of this scope and I want to thank you for this presentation and update.

Mr. L. Rapozo: Thank you.

Ms. Nakamura: Keep up the good work.

Chair Furfaro: Any more questions before I open the questions to the public? Mr. Rapozo, again, thank you very much. Thank you for a very complete and thorough report.

Mr. L. Rapozo: Thank you.

Chair Furfaro: Your updates are much appreciated.

Mr. L. Rapozo: I will pass that to the staff as well. Thank you.

Chair Furfaro: Okay, is there anyone in the audience that wishes to speak on item 2012-345? Lonnie, come right up.

LONNIE SYKOS: Good morning Chair, Councilmembers, for the record my name is Lonnie Sykos. I would like to remind the Council that there are 11,000 other civil entities in the United States, Counties and incorporated cities and towns. These 11,000 other communities for the most part are the ones that put forth the \$34 million that we spent. When we take Federal money, I do not believe it is appropriate for the County to act like there is a giant Easter egg hunt and let us go look for grants from the Federal Government, because they are willing to give money to us. I think that we should be very grateful to the other communities in the United States that they bring this grant money available and that we have an obligation not just in what we use the money for, but in our auditing and in our paying attention to how efficiently we use the public's money. In regards to the moneys being spent, I would have to say that I ought to be shocked, but I am not, because this is so common. On the internet, you go to Australia, California, New Jersey, and Florida; there are national associations for lifeguards and beach safety. There are national associations for both the Government and the private entities that are involved in activities at the beach, and all of these people have experience with signage. There are national best-practices for putting signage at beaches that based on whether you are in the tropics, whether you are in New Jersey, whether you have got sand, whether you have clay, all of the—none of this stuff is new. So it is rather upsetting to me that the County is going to pay our employees to go out and reinvent the wheel. Okay? This is absurd, absolutely absurd that the head of our Parks Department stands here and tells us that, "Oh, galvanized mild steel corrodes really fast at the beach and it is a problem, so let us use 2x4's which is what the steel replaced decades ago." This is not a step forward in technology. This is not what we pay people \$100,000 a year to do. This is absurd. This is his job to ensure that he or his subordinates go out into the world and figure out what is the best-practice in signage today, because it exists. The F.A.A. has it at the airport. The Coast Guard has it at Coast Guard facilities. They have got it at Barking Sands. I guarantee it. I grew up on a Federal contractor run Military base. This is not rocket science, and it is just a matter of them doing their job, period. What I saw today was my tax money being wasted on wages. It is incompetence, and sorry to be upset about this, but I am upset, because it is my money. I will bring up the

Fire Chief at the last Budget Meeting testified that Public Works, the Parks, and the Fire Department are incapable of processing a work order for over two years for the missing ocean safety signage that this Council has paid for. The public has paid to have ocean safety signage at our swimming beaches and now that we are expanding this pathway along the ocean, we have now created the liability for ourselves of the attractive nuisance of this pathway; which is a good thing, these are all legal terms. But we are enticing people to go along the edge of the ocean that we all know is dangerous. We all know if you do not know what you are doing, and you go down to the edge of the ocean and a wave catches you, you are in big trouble and/or going to die. And so we have to put ocean safety signage up, not just at our swimming beaches, but we now need a truly professional Loss-Prevention Officer. That is my father's career. I grew up in a house of loss-prevention. In elementary school my brother and I both passed all of the tests perfectly in my dad's classes and then he paid us to grade the papers, right? I am not a loss-prevention expert, but I grew up in such a house. There are best-practices for all of this. And it is a waste of our money. It is fraud to the public. If our leaders do not already know where to go for the information to resolve these issues. This is like—what do they call it? Wage and service fraud. Okay? Bluntly, from the public to the Administration to the Council, this is crazy that we have to pay our tax money for people to go learn things that already exist. So in regards to the path, I use it, but add to the list of things that the Administration needs to deal with are these ocean safety signs. If somebody gets injured or killed, we are all grossly, willfully negligent. We all know it is dangerous and we are not taking the steps required to minimize the danger. Thank you.

Chair Furfaro: Thank you. Any questions for Lonnie? Lonnie, I would like to say that most times we certainly receive your comments to make improvements along the way. I would appreciate, unless you are really understanding the full walk of the talk here that we do things like best-practices versus fraud. We do efficiencies versus referencing on the job-training. We will find out through that cooperative type of coordination will go a lot farther. I understand your comments, and the questions about creating attractive nuisances. It starts by making sure a fence is around a pool, which a kid does not wander into it. But it is certainly more productive to talk about constantly making improvements and best-practices. Thank you for your comments, and your observations and they will be passed on. Vice-Chair?

Ms. Yukimura: I have a question for Mr. Rapozo?

Chair Furfaro: Anything more for Lonnie?

Ms. Yukimura: No, thank you.

Chair Furfaro: Thank you, Lonnie. Let me continue with public testimony first. Ken, did you want to speak today? No? Mr. Rapozo, may I ask you to come back?

Ms. Yukimura: I think the concept of best-practice is a good one for us to reach for. I know that a lot of designs of the path were done before you were even in office. I was wondering whether the consultant's design of the path showed steel or what metal signs as part of the design specs?

Mr. L. Rapozo: In the—if we are talking about the Lihi to Kuna Bay then yes. In this current contract, we are working with consultants to do the interpretative signs for the rest of the path.

Ms. Yukimura: So in doing the work on the interpretative signs, I am trusting that they will not be metal, right?

Mr. L. Rapozo: No.

Ms. Yukimura: They are going to be wood?

Mr. L. Rapozo: Yes.

Ms. Yukimura: But what is it, Lihi to Kuna Bay? Which was the first phase or the second phase after Lydgate?

Mr. L. Rapozo: The second.

Ms. Yukimura: In those two first phases, they specified iron or steel signs?

Mr. L. Rapozo: Yes.

Ms. Yukimura: And learning from that, we are now not specifying it for future segments?

Mr. L. Rapozo: Right.

Ms. Yukimura: We are experimenting with the placement or the replacement of signs?

Mr. L. Rapozo: We looked at different types of materials. Yes and cost is a factor.

Ms. Yukimura: Although lifecycle costs—initial cost is one thing. We have been dealing with that on solar water heaters, but I do not know what the actual costs are, but it could be that the plastic lumber signs or your wood signs might have a higher upfront cost, but they may last longer.

Mr. L. Rapozo: Right.

Ms. Yukimura: So if their life is longer then...

Mr. L. Rapozo: It is worth it.

Ms. Yukimura: Yes. So are we doing that kind of analysis now?

Mr. L. Rapozo: Yes.

Ms. Yukimura: Okay. How do we avoid—it seems that the initial specs were maybe not appropriate or cost-effective. How do we avoid that kind of design problem when we hire consultants?

Mr. L. Rapozo: We talk to the consultants in dealing with the scope of the work for the signs and we are telling them that this is what we are experiencing. "Can we look for something else?"

Ms. Yukimura: So actually, if we had the expertise or we knew what the best practice standards were, we could actually require that in our scope of work of the consultant that signs shall be or—sorry—I do not do this, so I do not know. But that signage and other kinds of accessories to the path would be the best lifecycle costs or something like that?

Mr. L. Rapozo: The County does have a sign shop, in Public Works that their job is to make signs. So we talk to them, we do our own research, and it is in their best interest because they put up the signs for us. So we are working with them. The proximity to the ocean is closer than a sign somewhere else, so we are learning. And so let us look at some other materials as well.

Ms. Yukimura: Okay.

Mr. L. Rapozo: It is not just the sole discretion—well, I guess that sole discretion would be of Parks because it is, but not like we will try this or that. We talk to people who know.

Ms. Yukimura: That should know, but maybe do not.

Mr. L. Rapozo: Maybe for them it is something new too, because it is more of a coastal thing.

Ms. Yukimura: We have a lot of signs on roads that are coastal roads. So we should know that. I think the main point is that we have to be constantly building expertise towards the best-practice.

Mr. L. Rapozo: Yes.

Ms. Yukimura: Thank you very much.

Mr. L. Rapozo: Thank you.

Chair Furfaro: Mr. Rapozo, I would just like to add to that. I want you to know that a lot of the interpretative signs that is planned, historic and scenic, if you look at the Wilson Okamoto Proposal and so forth, many of the interpretative signs were done with either concrete mounds or worked with moss rock.

Mr. L. Rapozo: Yes.

Chair Furfaro: Okay? And the design aspect was there for the interpretative signs. So maybe you want to revisit those.

Mr. L. Rapozo: Yes. Thank you.

Chair Furfaro: Good. Thank you very much. Is there anybody else who wishes to speak on this item? Seeing no one, he will call our meeting back to order. Further dialogue? We are back in session. Mr. Bynum?

There being no objections, the meeting was called back to order and proceeded as follows:

Mr. Bynum: I just want to appreciate again this task force, as Councilmember Nakamura pointed out, is important to integrate that and I think the Administration has been doing it quite successfully the last few years. I also wanted to just point out that I have been tracking this project for many years now, and watching it very closely and sometimes you just cannot win. If you go to Lydgate Park, you will see sign posts made out of recycled plastic that will last, who knows? 100 years and then the last phase that happened way before Lenny was here. He did not spec out steel signs. The original designs, there was criticism from the public, "Oh, you are doing this stuff too expensive. There are cheaper ways to go." Some of the criticism was what has become a design standard on this is the fiberglass railings that are on the bridges. They have stainless steel high-quality fasteners that does cost a lot more than a chain-link fence. They are cheaper railings, but the decision was made that in the coastal environment for long-term maintenance costs that aesthetics and those were important issues. But the Lihi section was something that I learned to be very cautious of. It was value engineered. The bid came in at a certain level and the County said that is higher than we expected. They value engineered it down which meant lowering the standards, right? You save money by using cheaper materials, by building not—I will always regret the individual design at Keālia for a comfort station was a really quality product that I thought would have served the community really well for many years. It got value engineered into an adequate facility, but not kind of how we had envisioned. So I think some of those stepping back was because criticism that came from the public that said, "Hey, you need to do this cheaper and there are cheaper ways to do it." So I just wanted to make that comment. Regarding Anahola, I appreciate Councilmember Kuali'i's input on this. I agree with him that it is time to start that planning. I was present at this meeting years ago, and I think Councilmember Kuali'i is correct that the issues were really about D.H.H.L. and some of the people in Anahola overlaid the bike path issue. A lot of people were there to advocate for the bike path that night left because the issues became really about unresolved issues and I think at the time that the County was wise and cautiously stepped back and said, "You know what? There are issues here between D.H.H.L. and residents that we need to get clear." It also had to deal with access, because the County's motive for this path has always been to increase access for appropriate uses and there was some overlay from D.H.H.L. that they were looking to decrease access in areas that traditional uses have happened. I also agree with Councilmember Kuali'i that it is time to get back and engage the community. There is different leadership at D.H.H.L. and different issues and a lot of water under the bridge. I just think that this is good every time we have these updates. It is good and brings things back to our memories but the management that is being led by Mr. Rapozo, I am very happy with since they instituted this process of having regular meetings and keeping minutes you know coming periodically to the County to get our mana'o and keep us informed. Thank you.

Chair Furfaro:

Anyone else? Mr. Rapozo?

Mr. Rapozo: I thank Parks for the report. A lot has been talked about sign posts, but best practices need to extend to the actual asset itself. The sign posts and signs is a component of the path, but we must look at the actual asset, because that is where the high costs are. I am very concerned about the Wailua beach portion. I think as Pono Kai—we learned in Pono Kai and I specifically asked back then and again, this is was pre-Lenny Rapozo, but back

then, as a Councilmember, Chair of Parks and Public Works; I asked the department to please hold off on the Pono Kai segment until we could get an analysis of the erosion. That was not done and today that asset is threatened and it is going to cost tremendous amounts of money to preserve that path. I do not want to see the same mistake happen to Wailua. It is pretty clear when you go down there that we are losing the sand. We do not know how much further that sand is going to erode. We do not know that. I would ask that we consult with Dr. Fletcher from U.H. and maybe our staff could take a note. I would ask that we send over communication to Dr. Fletcher, to Administration asking for Dr. Fletcher's input based on that span. I do not want to see the concrete get laid only for a couple of years and then it is going to get destroyed and we have to find an alternate path. So let us figure out what is happening with that beach. If it is a cycle, we have to expect that. If it is a 60-year cycle, then the 60 years of life on the path may be worth the investment. But if, in fact, the estimate of that beach running away is a year or two, it is not worth the investment. We have to find an alternate path. And I am going to push that issue, because I believe it is a serious one and it will be very expensive to build the concrete without even understanding what is going to happen with that beach. And then the other thing, if the staff could note, I know Mr. Kuali'i asked for the E.A. information, and if we could get copies of that from Phases c and d. I would appreciate that, just to look at what the community's inputs are. Because it is going to move the path back onto the beach side of the marketplace. I know that that area may be—I know earlier when we had the discussion years ago, in front of the restaurant—what is the restaurant by Coco Palms? Yes, Seashell Restaurant, which the earlier plan was to go in front of that, but that was a well-known habitat for the monk seal and turtles. I want to make sure the E.A. covers all of those things. People will criticize me for being an obstructionist to the path, but I want to make sure we build an asset that is going to be there. I want to make sure we have an asset that is not going to cause more problems for this County down the road. That is all I am trying to do. Money is not—it is a big issue for us going forward and I want to make sure we are not laying down concrete knowing that it is going to disappear or we are going to have to relocate it soon or soon thereafter. I want to see some consultant information on especially the Wailua Beach portion, because I see the prep work and I think it is going to be done sooner than later and I want to understand what is going to happen to that beach before we lay down that expensive concrete. Thank you.

Chair Furfaro:

Mr. Kuali'i.

Mr. Kuali'i: Thank you, Mr. Chair. I think for starters, one thing I want to do is express my apologies to our Parks & Recreation Director, Lenny Rapozo. I did not mean to start getting, you know, louder and upset and passionate. But I do just want to say that—and I also want to make it clear I do not speak for the community of Anahola. I have lived there for two months and I have family that has lived there and worked with the community of Anahola for 10 years. But I do not speak for them. I participate in them collectively speaking for themselves as a community. I just want to point out again, that this Anahola Town Center plan that was put together by the community was the first of its kind and it was award-winning and it was D.H.H.L., I suppose, responding to what had happened two, three years ago, and starting all over and saying, "Okay, we will work with the Anahola community. The people on the ground know best about what they want to see going forward." The Anahola Town Center Plan and you can go to the website at D.H.H.L. and look up the Anahola Bubble Plan, it is a community-based master plan where the community of Anahola has laid out a circular plan from both sides of the highway—mauka and makai, and talks about

the different kinds of future development they hope to see with community use areas, with the commercial and recreational areas, and includes a green, sustainable, walkable community that includes how the bike path can and should come into the community of Anahola. Now the newest subdivision, Pi'ilani Mai Kekai, is underway, there is probably 30 to 40 families already moved in. I am one of those. I have lived there now for two months and I want to send information to the Parks & Recreation with the new association there. So there is yet another community group to work with. My main point was that there are collective associations that are working to better Anahola and there will always be individuals who voice their concerns, but that we should recognize the voice of the community a little more than we do individual, disgruntled folks, even though of course they have a place to have their input as well. I appreciate this report. I appreciate the reports that are yet to come in the future. I will be submitting some requests for more detail. And to perhaps even to see if there is a way to share that with the public as well, so we get more buy-in and everybody understand how we are trying to move forward with their input. Thank you, Mr. Chair.

Chair Furfaro: Anyone else before I speak? Vice-Chair.

Ms. Yukimura: Yes. First on, for Anahola, I think it is a wonderful long-range vision that Anahola is going to be connected into...

Chair Furfaro: Vice-Chair, I am going to give you the floor. We are in need of taking a 10-minute caption break. We are on a 10-minute caption break.

There being no objection, the meeting recessed at 11:02 a.m.

The meeting reconvened at 11:17 a.m., and proceeded as follows:

Chair Furfaro: We have returned from our recess, and Vice-Chair, you had the floor.

Ms. Yukimura: Thank you, Chair. I wanted to say first about the Anahola pathway to Anahola that it is wonderful that is part of the long-range vision. Also, I do believe it was appropriate when the County stepped back, but I hear that there has been a change now. I hope to see the County working with the citizens, but it is possible that perhaps all of these different groups in Anahola could get together and even make a request to the County to begin the planning work for that stretch, which would be a way of showing that the community is ready or more ready than it was before. I also want to say about the expenditure of Federal moneys that we definitely are responsible to spend it well, but I do not think we should hold back in applying for those moneys; all the 11,000 or plus other counties and communities have the opportunity to apply for those moneys as well. When we have such a fine project which affects and improves the health of our people, gives access to the shoreline, builds our economy, and supports tourism, to be able to leverage \$34 million with half a million dollars of County money is a really wonderful thing. I know some of this money is going to future phases, but if you conservatively say it took \$34 million to build 6.8 miles of multi-use path, that is \$5 million a mile. I just want to point out that to go from Lihu'e to the community college and widen that took \$40 million and that is for less than a mile or maybe about a mile. When you have such multiple benefits at a much cheaper cost than Wainiha Highway, we have to put some of our resources in that direction in order that we become a more multi-modal community.

Chair Furfaro: Thank you. Anyone else who wants to speak? I just want to kind of summarize a couple of things and I think Vice-Chair Yukimura pointed out that many of us here on the Council do know that we are a Federal-receiving State. In other words, we get more Federal funds than we necessarily pay out and we try to use them for the fact that our State is the recipient of many other State visitors, who benefit from the improvements we make in our community. We do recognize that. Another item I think we need to chat about is, Lonnie, I know we spent time as a Council creating what we thought of a definition of a standard as it relates to an excellence in doing something. In the Hawaiian value of "kino'ole, without flaw, to do it right the first time whenever possible." Obviously, I think that is something that you might want to take back to your Committee as we develop quality-control items. Resolve the standard of the best practice for signage as a body so that you can convey that to the people that are contracted specifications on future phases. And realize that value engineered is a part of every project, but perhaps the signage is something that we do not want to compromise on. At the end of the day, if we think frugal, then on the other hand we better think about more repair and maintenance if we have products that do not last a long period of time. That is one thing that I think many Government plans, especially during the budget cycle, there is not money put aside for standard repair and maintenance and replacement. There is a price to pay if we think frugal and that ends up in larger repair and maintenance costs later. I want to also thank Mr. Kuali'i for his passion in his community, and I think the point made about engaging in various community associations is a good one, well-taken, and thank you for pointing that out. Although you apologized, we certainly accept it, because we recognize your passion in your hometown. On that note, Mr. Rapozo made a request to get C and D phases a copy of the E.A. We will make sure that communication goes over and I want to thank Lenny for a very nice presentation. Each phase we get more detail and you are constantly making improvements on your report. Thank you very much. On the motion I would like to have is to receive. And I said twice I would like to be the last speaker.

Mr. Bynum: Just one second, that the County of Kaua'i's website under the Building Division has many of these documents, including the complete E.A. for Kapa'a to Lydgate. I just want to say that those documents are available. The supplemental ones are in process.

Chair Furfaro: If a member makes a request to the Council, I shall honor it, regardless of knowing other places to go. But we appreciate your feedback on that.

The motion to receive C 2012-345 for the record was then put, and unanimously carried.

Chair Furfaro: Thank you very much. Before we go on to the next item, I want to say to you folks and I think I have material here somewhere. On the last item, 2446, 2447, which is going to public hearing, I have been meeting this morning and yesterday with the Administration and talking to some State people regarding certain estimates on the F.E.M.A. claims that are coming up on September 19. I will pass this information out to you. Has it already been passed out? No? Okay. There was a total estimate of statewide damage in the County of Kaua'i from the March storm of approximately \$6,600,000.00. Of that, the Kaua'i County's share not including the Water Department was about \$3.4 million. There was a money bill that we took first reading today, which will be coming up on the 19th. The approach to this is three of the projects related to some immediate

responses, which showed \$2.8 million anticipated repair and maintenance item. The fact of the matter is that we can only get reimbursed 25% of that so our total share might be \$3,082,000.00 and you have a little graph that I made available with some corrections this morning. So you are current. The graph does not—does not include the Kilauea repairs on the road. The Kilauea repairs are being paid totally by the Federal Government, close to \$12 million. So you put the 12.2 together with the 6.8 and that is where the \$19 million comes from as total collective damage on Kaua'i. Then I met with Wally to reconcile, at this point, our Reserve Fund since last week's item on the two amended budget bills so that you can see what is the summary amount available in our reserve to-date. That is in a correspondence confirmation from Wally Rezentes to myself, so folks you have that in advance to the public hearing on September 19. Thank you for giving me that moment to get that out to you. It was not quite in the form that I wanted when we discussed the item. You are all current now on the reconciliation of the storm disaster costs, as well as the reserves. Let us go to the next item.

C 2012-347 Communication (07/19/2012) from the Director of Finance, transmitting for Council information, the Period 12 Financial Reports – Statement of Revenues as of June 30, 2012 for Fiscal Year 2012, pursuant to Section 21 of Ordinance No. B-2011-732.

Mr. Rapozo moved to receive C 2012-347 for the record, seconded by Mr. Kuali'i.

Chair Furfaro: There is a motion to receive and a second. Is there any other commentary? The reason I wanted to pass this out to you folks early before we started the item, I wanted to make sure you had a summary of what the emergency costs would be because as we got moneys reported on O.P.E.B., there might be a little additional money going to the surplus, but at the same time I wanted to point out that we have our 25% of storm damage yet to be covered. So before we get too aggressive with the O.P.E.B. number, let us take into consideration that we have to cover our 25% of the storm damage. Any further discussion? Any comments from the audience regarding period reconciliation for 12 months? Seeing no one, we have a motion to receive and a second.

The motion to receive C 2012-347 was then put, and unanimously carried.

C 2012-361 Communication (08/13/2012) from the Fire Chief, requesting Council approval to apply, receive, and expend the U.S. Department of Homeland Security, Assistance to Firefighters, Staffing for Adequate Fire and Emergency Response (SAFER) Grant in the amount of \$472,350.00 that will be used to cover the cost of the salaries of three (3) new firefighters for the Lihue engine company for two (2) years with no cost share to the County.

Mr. Kuali'i moved to approve C 2012-361, seconded by Mr. Chang.

Chair Furfaro: Thank you. Any discussion, members? Go right ahead.

Ms. Nakamura: Yes, I just wondered if someone from the Fire Department was planning to be here?

Chair Furfaro: You can call them over, if you want. I met with the Chief yesterday. I understand that he met with the Chair of Public Safety, too. Please call for the Fire Chief and let us move to the next item.

There being no objections, C 2012-361 was deferred to later in the agenda.

C 2012-362 Communication (08/14/2012) from the Housing Director, requesting Council approval to decline the County's option to repurchase Unit No. 90, Villas at Pū'ali, located at 1921 Hōkūlei Place, Līhu'e, Hawai'i, 96766, and to grant the owner a waiver of the buyback and allow the market sale of the unit for a period of one-year.

Mr. Rapozo moved to approve C 2012-362, seconded by Mr. Kuali'i.

Chair Furfaro: Discussion? This motion to approve is to not take action on this option. This is a decline on the County's option to purchase. Anyone in the audience wishing to speak to this? Seeing no one, all those in favor, signify by saying aye?

The motion to approve C 2012-362 was then put, and unanimously carried.

Chair Furfaro: Thank you. Let us go to 363.

C 2012-363 Communication (08/14/2012) from the Housing Director, requesting Council approval to decline the County's option to repurchase Unit No. 201, Ho'okena at Puhi, located at 2080 Manawalea St., Līhu'e, Hawai'i, 96766, and to grant the owner a waiver of the buyback and allow the market sale of the unit for a period of one-year.

Mr. Bynum moved to approve C 2012-363, seconded by Mr. Kuali'i.

Chair Furfaro: Discussion? Anyone in the audience wishing to speak to this? Next item. Seeing no one, all those in favor, signify by saying aye?

The motion to approve C 2012-363 was then put, and unanimously carried.

C 2012-364 Communication (08/28/2012) from Council Vice Chair Yukimura and Councilmember Nakamura, requesting agenda time to discuss and approve a list of community people to be recommended to and appointed by the Mayor to serve on a Mayor's Advisory Committee for a Drug Prevention Grant Pilot Project administered by the Life's Choices Kaua'i Office.

Mr. Rapozo moved to approve C 2012-364, seconded by Mr. Kuali'i.

Chair Furfaro: I want to so note that we should reflect back on our narrative with our budget. This is was not a proviso in the budget. This was the narrative on our message, "There should be a discussion on the Adolescent Drug Treatment Facility that has made evident the need for drug-prevention on Kaua'i, and the Council appropriated to The Life's Choice division \$250,000.00 for a pilot project providing grant funds to high school and preschool qualifiers through afterschool programs. This goes on to say that the Council would suggest that a five-member team of community leaders knowledgeable in the science of prevention be appointed by the Mayor from the list provided by the Council to evaluate and award grants." So that is what this agenda item is in reference to. This was not a

proviso, but the Council wrote its narrative, they wanted me to send over those names. On that note, I will turn the floor over to you, Vice-Chair Yukimura.

Ms. Yukimura: Thank you, Chair. I know that Managing Director Heu wanted to say something, so maybe we need to call him.

Chair Furfaro: I indicated to him that we may get there about 11:30 and I did pretty well. Let us see, it is 11:32 and he walked in the door.

Ms. Yukimura: Thank you very much. I just want to say that this does come out of our budget. It was not a proviso because the program is yet being developed so we wanted to leave a lot of flexibility in the initial execution of the program and learn from that as a pilot project. Is there the list of names? There is a list of names that Councilmember Nakamura and I put together to submit to the Administration, with your approval and with additions or subtractions, if you so desire. The motion has been to approve this to go to the Mayor. The Mayor does not have to follow exactly, but hopefully he will follow it in a way that will help us develop this program so that it can become an effective prevention program in the County. Councilmember Chang, you have a question?

Mr. Chang: Yes, thank you. I just had a little clarification, what are the age brackets?

Ms. Yukimura: Well, it is both for preschool and afterschool programs so it is children from the age of conceivably zero to 18.

Mr. Chang: Thank you.

Chair Furfaro: Let me give this a little clarification, there is a list of 9 that was submitted by you and Councilmember Nakamura. There is a second list of 6 that came from other Councilmembers. There are a total of 15 potential names to submit to the Mayor.

Ms. Yukimura: Okay. I wanted to see if Councilmember Nakamura would like to say anything. Okay. Councilmember Bynum.

Mr. Bynum: I have a question. All of these people have been contacted and are they aware that they are on the list?

Ms. Yukimura: On the list that Councilmember Nakamura and I put together they have been contacted and are willing to serve. I am sorry I did not know about these other names. Oh, it is Councilmember Kualii. This is your proposal?

Mr. Kualii: I got the impression from staff that this was—and you just mentioned it now that you have this group of names and that we all could add names. So I just quickly yesterday made a few phone calls to people working in the field of prevention and gave these names. I have not contacted these people to see if they are willing to serve. As you notice, some of them, I do not have all of the information like Laurie Ho; I know she recently retired from the organization that she was working with. I think I have her home cell number but I did not necessarily want to give that out.

Ms. Yukimura: And the other consideration, for example because Kaulana Finn's name from Big Brothers Big Sisters is on, if these groups want to apply for grants then it would not be appropriate for them to be represented on the Committee.

Mr. Kualii: I thought about that and then I also thought that they may or may not. So if they are not and they are serving the community in that specific way, they are in a pretty good position to understand the big picture of what we are trying to accomplish.

Chair Furfaro: Let me take the meeting back so that we can recognize individuals. I gave Vice-Chair the floor to explain the narrative in the budget to get us to this point. We have 16 names as potential to be sent over to the Mayor and the selections are the Mayor's choice. But obviously, I would like to call up Mr. Heu to have a better understanding of the Administration's oversight even if you have this advisory group that the Mayor would select from names submitted by the Council. So the rules are suspended and may I ask you to come up, Mr. Heu?

There being no objections, the rules were suspended.

GARY HEU, Managing Director: Thank you, Chair. For the record, Gary Heu. I want to thank you for this opportunity to speak with you this morning. First of all, the Administration applauds the Council's placing of the \$150,000.00 in the budget for the current fiscal year to deal with a drug prevention grant project. We believe it is a really positive thing for the community and would even support a higher level of funding if we felt we could manage it effectively. That is kind of why I am here this morning. And just to say that because of the current Life's Choices current staffing levels we have concerns about being able to manage the ongoing program, not to mention the additional \$150,000.00 for prevention. I wanted to take this opportunity to inform you we will be coming before this body to engage in a comprehensive discussion about creating a structure with appropriate resources for the Life's Choices organization, which will allow us to successfully meet our goals and to manage and maintain the program into the future. We understand that is not the proper agenda item with which to pursue that discussion. However, we thought it was important to provide notice to Councilmembers regarding our concerns and our ability to manage this additional project without adequate resources. We look forward, as I am sure you do, to having that future discussion and being able to move forward with this additional drug prevention project

Chair Furfaro: I would agree this is probably not the forum to have that discussion. What is on today's agenda is a discussion about potential people that we are submitting to you to sit on the prevention grant pilot program. We have members that have made contact with about 60% of the people on the list that we are submitting to you. But I, too, would prefer you coming back with some recommendations for discussion on the administration of this policy, then that would be a new agenda item.

Mr. Heu: Right. Thank you, Chair. I am not prepared today to discuss this specific agenda item or comment on a proposed Committee or the members of that Committee. I simply wanted to give Councilmembers a head's up about our concerns in terms of managing the \$150,000.00 that we are being asked to oversee as part of this year's budget. So yes, we are more than happy to have

further discussion relative to the management of this \$150,000.00 as within the context of the overall Life's Choices program.

Chair Furfaro: Let me ask you, when do you suspect that the Administration, I mean it is fine that we are making these recommendations for advisory-type people, but when do you think the Administration would be prepared to begin some dialogue with the Council about the actual program?

Mr. Heu: It would be our goal to put something in front of the Council for consideration within the next 6 weeks or so. We are currently in discussion within the Administration, and we would like to do some additional outreach and get additional input as we prepare to have that discussion with Council. So I would say within the next 6 weeks we would hope to have something in front of this body.

Chair Furfaro: Okay, Vice-Chair Yukimura.

Ms. Yukimura: Yes. I am very grateful for the Administration's support for this program. Your partnership is essential, and I think it has great possibilities for doing cost-effective prevention and preventing a lot of our young people from falling off the cliff and in need of treatment and so forth. Thank you for that. It is certainly logical that in order to implement this program and the other functions of the Life's Choices office that you need adequate staff. So speaking for myself, I would be willing to really look at funding that kind of staff as long as we can agree on the purpose of the office and the role it is going to play in the drug response—the large drug-response effort. I look forward to the conversation on what that is, and getting clarity and unity about it, and then I think we can really move ahead.

Chair Furfaro: You are saying in about 6 weeks you will send something over to my staff?

Mr. Heu: That would be our goal, yes.

Chair Furfaro: Councilmember Nakamura?

Ms. Nakamura: Gary, are you saying that with the current staffing levels that this program would be difficult to implement?

Mr. Heu: Yes.

Ms. Nakamura: When you do your analysis, are you going to be looking at—permanent staffing to implement this type of program, or would you be looking at other ways to administer it?

Mr. Heu: I think we would have to look at all of the various options. Again, it is not merely the \$150,000.00 project that we are concerned about. We are concerned about our current ability to manage ongoing programs and initiatives within Life's Choices. So we would analyze that within the context of everything that Life's Choices has responsibility for.

Ms. Nakamura: Okay. So does that, in your mind, that comes first before this piece moves forward? The forming of a Committee? The forming of

rules, the potential setup of this grant program? Is it sequential or can it happen at the same time?

Mr. Heu: That is a good question and I am not sure I am prepared to answer that at this point in time, because I am not sure I understand all the particulars tied to the \$150,000.00 that was placed in the budget. It is probably best for me to become more familiar with that before I venture a guess at a response to that.

Chair Furfaro: Mr. Rapozo had a question before you, Vice-Chair. Mr. Rapozo.

Mr. Rapozo: Thank you. You must be reading my mind today, because I was thinking of a question, but I was not going to ask it, but I will because you read my mind. Thank you, for the birthday present. Gary, I am a little confused because what was stated in the budget was this Committee would be the Committee that would evaluate and award the grants, much like how the C.A.C. and Host Committee Benefits are really not utilizing many County resources, and this Committee as I saw it would be the experts that assess and analyze that applications and actually make the determination or recommendation of awards. I guess I do not understand what you are saying. You are saying that we need more staff to run this grant pilot project, and again, it is a pilot. It is just one year to see, and I guess I am a little confused as what I am hearing is that you are looking at expanding the office to administer this program. I think that goes against what we are trying to do here. We are putting together this community group that is going to be the evaluators and report back to the Council in a year.

Mr. Heu: That is a point well-taken. Like I said, I am not intimately familiar with the discussion that took place on the floor with regard to the \$150,000.00. But it is important to remember that evaluation and awarding of grants is a component of the overall activity. There is still the monitoring and the compliance activities that need to take place. We need to make sure that at a minimum, we have sufficient resources to perform those activities. Again, I think we probably need to flush out a little more what the expectations would be of this proposed Committee and how that translates to additional work or not for staff of Life's Choices.

Chair Furfaro: Let us say this, Mr. Rapozo. Gary, we are going to hold you to the 6 weeks for a new agenda item that is broader than this. We can have that full discussion at that time. You heard these preliminary questions from the 3 Councilmembers, but I want to be cautious here, because the agenda item is submitting names for this Advisory Committee. But I will hold you to the 6 weeks. On that note, Vice-Chair Yukimura, I will give you the floor.

Ms. Yukimura: Thank you. The work, at least as I understand it, will take staff, because you are convening a group of pretty high-level people and they are not going to take the minutes. They are not going to write up the specs or do the advertising. They will oversee the process, so it will take some staff time. And what has not been very clear here is at the end of September, there will only be one person in the office because the staff is currently funded by Federal moneys through the State and they are expiring in September. So it will be a very leanly staffed office, which has a lot of things on its agenda, not the least of which is servicing all of the different Committees, like the Prevention Committees, Enforcement Committees, and Treatment Committees. There is a lot of work. I

think it is clear that there needs to be more than one person in that office, but how it is to be configured and what the clear purpose and role of the office will be still needs to be elucidated or clarified. I think the work is cut out for you and hopefully there will be some dialogue before it comes to the Council.

Mr. Heu: Yes.

Chair Furfaro: What we have on today's agenda is a recommendation of approximately 15 names. I would like to give the courtesy to Mr. Kuali'i to have maybe the next 48 hours to attempt to make contact with the additional names he submitted, and then we will do a cover letter, if approved here. We will do a cover letter and direct it over to your office by Friday. Okay?

Mr. Heu: Thank you.

Chair Furfaro: Any more questions? We will hold you to the date—can we get a date, Mr. Clerk, 6 weeks from now? October 24. Gary, we will have you back October 24.

Mr. Heu: Thank you very much.

Chair Furfaro: Is there anyone in the audience that wants to testify under the agenda item that submits names for consideration to serve on the advisory board to be finally selected by the Mayor? Seeing no one, the meeting is called back to order. Vice-Chair Yukimura.

There being no objections, the meeting was called back to order and proceeded as follows:

Ms. Yukimura: I believe there was a motion to approve and I presume it was the list that Councilmember Nakamura and I...

Chair Furfaro: I want to see if there is anymore dialogue here.

Ms. Yukimura: I was going to make a motion to approve to add Councilmember Kuali'i's names in.

Chair Furfaro: For whatever lists we had approved, we are going to wait at least to Friday before we send it over so that we are extending the courtesy to Councilmember Kuali'i to contact his people. We can do it in two motions. We can send over the list that you and Councilmember Nakamura had already discussed. You can send that over today if you would like.

Ms. Yukimura: I was going to suggest that we approve the two lists subject to consent from those on Councilmember Kuali'i's list, and I mean, basically that would give us one list to send to the Mayor and the consent could be clarified within the next 48 hours.

Chair Furfaro: So we have that motion. We have a second. Now, Mr. Rapozo.

Mr. Rapozo: Well, Mr. Chair, this communication was received on the 30th. I was off-island for H.S.A.C. and got back on Monday, which was a holiday so I just got to see this. This is obviously not a rush situation, because the

Administration is not even ready to act on it. I do not have a problem with the names in here. A lot of these names are connected with non-profits that would actually be, I believe, would be possibly applicants for the grant. We have not had the discussion and I do not know if today is the day to have the discussion, but one thing I have always said and has gone unheeded throughout the years, we do not get the kids involved. One of the things that I would like to do is get high school students, whether a junior or senior, to be part of this Committee. I have said this over and over and we have never made them part of the Drug Committees, and prevention is a key component are the kids and young adults. I would ask for some time so I can make some phone calls. I really believe that we should not be—especially with such a small committee of five, chances are what if you get an issue that they all apply for the grant? We are going to run into some major issues. I think we should be selecting people that have no real financial interest in the grants and there are a lot of people out there that could be part of the Committee. There are a few on here that they may be retired and not participating in the non-profits, but a lot of them are. That is just my comments, but I would ask for at least a couple of weeks. Then Mr. Kualii, who has not made contact, I think obviously before the names get on the list, we should make contact and see if they are willing to, because if they are on the Committee, they will basically take themselves out of running for the grant for the organization. So I would ask for two weeks if possible.

Chair Furfaro: I just want to say a couple of things here. I think what you just said I repeated because I was willing to do it in two increments for Mr. Kualii. Secondly I understand from the staff, you know, the members were contacted individually to submit names. Many of us felt that there were people closer to the Committee that would move forward on it. But I am sensing your recommendation is to defer it for two weeks and come back and vote then. I would ask you all to refer back to my July 30 request for the names. We have a motion and second on the floor. Let me recognize Vice-Chair Yukimura.

Ms. Yukimura: Thank you, Chair and thank you for mentioning your memo, because there was a memo circulated to all Councilmembers asking for suggested names, so that we could compile them and recommend them at today's meeting. This list is actually Councilmember Nakamura and I submitted list per the memo to our staff, who then contacted all of these people, and asked them if they wanted to be applicants, because we knew if they wanted to be applicants they should not be on the list. So these people have been cleared and they are not planning on applying for grants, because we knew if they wanted to be applicants, then they should not be on this list. At least the list we submitted, all of these people have been cleared. They are not planning to apply for grants if they are chosen to be on the Committee. So this list is actually ready to go, I believe, to the Administration. If there needs to be a greater delay, I think it is okay; although, the time for implementing this program is getting shorter. I do not object to a two-week delay, but just to know there was a lot of advance work put into this.

Chair Furfaro: Thank you for extending those courtesies in your comments. Mr. Kualii.

Mr. Kualii: I would say that if we just rushed this list today, it would just sit on the Mayor's desk, because the Mayor is not ready to make this decision. So out of courtesy for any Councilmember whether the memo came out a month ago or a week ago before the long weekend, I think here we are sitting and a Councilmember is asking and there is no hurry. Director Heu never said we have

had to have this decision today. So a two-week deferral would be easy to support for me. I have removed my second.

Chair Furfaro: Mr. Bynum.

Mr. Bynum: I just want to thank you, Councilmembers Yukimura and Nakamura, for this list and agree that a two-week deferral would be fine.

Ms. Yukimura: Mr. Chair, there is no need for removal of the second because the motion to defer takes precedence over the main motion.

Mr. Kualii: My motion was not made yet.

Ms. Yukimura: So if we are ready I can move to defer.

Chair Furfaro: We are developing a sequence here. Your point is well-taken and your point well-taken. Because September is a five-week month, it will come back September 26. Thank you for making reference to my memorandum, when I send something out that gives a month's advance notice, I do think that is more than significant time to put our thoughts together and for those of you who missed the deadline, I simply said to the staff, well, I guess they feel comfortable with the Committee's recommendation. We need to also recognize the need to try to coordinate activities, especially when we communicate a month in advance. Vice Chair.

Ms. Yukimura: I think there might be more discussion.

Mr. Rapozo: I guess I apologize I missed the memo, as many of us do on many occasions. But again, nothing is going to happen for a minimum of 6 weeks as we heard today. I appreciate the courtesy of the deferral. Thank you.

Chair Furfaro: I am the Chair and responsible for the coordination of this and making every effort that I can. If you miss it, you miss it, understood. We all have agendas, but to just say that sufficient notice was given is my point. So we are clear what I said about September 26 on a deferral? Did I get a motion to defer?

Ms. Yukimura moved to defer C 2012-364 to September 26, 2012, seconded by Mr. Kualii, and unanimously carried.

There being no objections, discussion on C 2012-361 was continued.

Chair Furfaro: Very good. Mr. Clerk, can we go back to the Fire Chief to let you folks know the Fire Chief is on an assignment in Hanalei. We have the Deputy Fire Chief here to talk to us about item 2012-361, which was a U.S. Federal firefighters grant referred to as the SAFER grant in the amount of \$472,000.00 that will be used to cover the cost of three new firefighters. This in particular should be used for The Lihue Engine Company for the first two years. I want to make note that the Lihue station, which is station no. 3, is also the homeport of our response for our rescue services. At a point in time, many times we have been able to use one of those officers to be the fourth person on the fire response. But we have recently had an upswing in emergency rescue calls, which leaves Lihue station with a three-man team. This grant will provide us an

opportunity to have that fourth man plus the rescue team at Līhu'e fire station unit no. 3. There are no moneys for this after two years, and it is a way for us to invest in some staff expansion, but it would be subject to a discussion on budget staffing in two years to continue that manpower. Chief, I will give you the floor. I think I summarized it as a understand it. Mr. Rapozo you met with the Fire Chief as well? Did I summarize it as you understood it?

Mr. Rapozo: Yes, sir.

There being no objections, the rules were suspended.

Chair Furfaro: We have questions for you from the other members. Go right ahead, Councilmember Nakamura.

Ms. Nakamura: Hi. Is this a one-time grant or ongoing grant?

JOHN BLALOCK, Deputy Fire Chief: This is basically a one-time grant. Again, thank you, Chair.

Chair Furfaro: You have to introduce yourself.

Mr. Blalock: For the record, Deputy Chief John Blalock, Kaua'i County Fire Department. Chair, that was a great synopsis of what you have covered for us. It is an opportunity, again, that as we look at our needs not only islandwide, but more so in Līhu'e itself, it is a staffing need that has been identified years back. And just to give it a little bit of history of how this all came about is that prior to us establishing a rescue unit in Līhu'e, it was basically an 8-man station. For whatever purpose it had, I was an 8-man station and they still did do rescues and kind of placed certain personnel on a rescue squad for that day and some on the suppression squad for that day. As we moved forward and with the separation of suppression and rescue, just due to the needs of the community, it has become more and more of an issue. If you look at every other station around the island it is a 5-man station. Suppression, and basically nationwide that is what it is, 17 N.F.P.A. (National Fire Protection Association) says 5-man stations, and why we do that is five men with a minimum of four; for any day that someone is off or sick or whatever, we still have a minimum of four manning. And what we see now is that when we are short and we will run it at set 3 and 4 or 4 and 3, depending on suppression and rescue. We will do that and cross over, but any time you have rescue going out of district, we are kind of leaving one of our biggest identified hazards in the Līhu'e area, in our risks hazards for us with the 3-man crew. Again, it is risk management and what we are looking at and trying to achieve here. The SAFER—it is a one-time grant, but as you know, we have applied for SAFER prior. But the justification of the prior SAFER Grant was more through attrition as opposed to staffing needs. This one is more applying to staffing needs. As we wrote the application, you need to show the need that you are inadequate in your staffing area. What we are showing here is that as a suppression station, which should be five, we on a constant basis have four or three. That is the basis of this application here. I do not know if I answered your questions.

Ms. Nakamura: So there is currently you would say a need for one or two additional suppression?

Mr. Blalock: We are applying for three here. We run our staffing in three battalions. It will be one firefighter per battalion, per shift; so with a total of three. One on first, one on second, and one on third watch.

Ms. Nakamura: What happens in two years?

Mr. Blalock: In two years, we have to basically absorb the cost of providing those firefighters at that station.

Ms. Nakamura: When you are hiring people, they are going to be hired based on this grant. Then they know in two years that now it is going to be dependent on you putting these three positions in the budget and the Council approving that budget for three additional positions?

Chair Furfaro: I think I want to expand on this for you, Chief, a little bit.

Mr. Blalock: Go ahead.

Chair Furfaro: The Fire Department currently in the next 12-16 months will be responding to us with a strategic plan for their staffing. The primary key item that we have been asking the Chief to do is to look at overall insurance ratings for the different households across the 7-stations that we have. So that the net outcome is the insurance companies look at the levels of staffing, which determine what kind of insurance grading they will give us and in the long-term, the households will benefit from that. I think it is very clear that we could apply for this in two years from now, but we do not know the outcome. To answer Councilmember Nakamura's question, if we move through the strategic plan to staff appropriately and look at an improved C.I.P. plan for the whole fire department two years from now, this could be additional money put in the budget, because we were unsuccessful with the grant.

Ms. Nakamura: Yes. I think my question here just has to do with not knowing what the County's financial situation will be in two years and what our priorities are going to be. I know in some other departments when they use grants to hire people, they are told upfront and so people can then plan accordingly. I am just curious. I just do not understand how it works.

Chair Furfaro: By then, we will be able to see their strategic plan and in that strategic plan, I would hope the Fire Department as I have had this discussion before, you will be able to give us an answer on what happens with the original Kapa'a Fire Station that is in a flood zone.

Mr. Blalock: Correct.

Chair Furfaro: What are we going to do with Kilauea because Princeville now has to service to Hā'ena, which was unfortunately recently that we had to have an extra water truck to fight the fire by drawing water from Wainiha Stream. All of those things should be presented to us in the strategic thinking along with getting us to the minimum four-man coverage, which will improve our insurance ratings. Is that correct?

Mr. Blalock: You should be running for Chief. That is excellent. The other element that was talked about is insurance ratings and insurance ratings

are definitely tied into the daily manning of each station. Part of it and even with Kaiakea, it was to improve insurance ratings more for the Anahola going north of that district. That was an excellent point about the I.S.O., which is the insurance rating that we use to determine the insurance rates for each community. We do present that on a yearly basis back to the Hawai'i Insurance Bureau as far as staffing levels for each of our stations.

Chair Furfaro: We also want to point out that we have an island that has 69,000 people and 20,000 visitors on any one day.

Mr. Blalock: Correct.

Chair Furfaro: That gives us a population of roughly 89,000. We have seven stations. On the Wai'anae Coast they have 200,000 people and two stations. We do not have that luxury to really understand that staffing piece until we do this strategic plan with what the Chief is working on, because that is one of the difficulties in a community this small. The farther the stations are apart, the insurance ratings get really high. We have to see some kind of a benefit for the homeowners through reduced homeowner rates.

Mr. Blalock: Correct.

Chair Furfaro: We have a very unique staffing problem with our lower population and our 57-mile coastline for the island. We are eagerly looking for your strategic plan in the next 14 months or so.

Mr. Blalock: Thank you.

Chair Furfaro: Vice-Chair Yukimura.

Ms. Yukimura: If the funding as Councilmember Nakamura has pointed out and it is a point well taken is a grant funding, which is not sustainable funding, would they be contract positions rather than civil-service positions?

Mr. Blalock: They would definitely be in our budget as budgeted positions and that is the way we would treat it as such.

Ms. Yukimura: But they are not Council—I mean, are we creating a position and dollar-funding it as a civil service position? Or is this a contract position that is year-to-year?

Mr. Blalock: Well, let me step back on that, and you did mention something about even a dollar funded. I would not want to go down that road because of what we are identifying here. We have in the past had dollar-funded positions in different stations as we identified them, whether it was for six months or whatever the case may be. Again, it has hardships on the other end. You still need the staffing levels and whether you take it out of overtime or however we do it. I think what you are asking me, what you have is the cart before the horse is what you are referring to, because we are creating a position that is in station 3 that has not been approved on Council or Administrative side. So again, I guess, maybe that is why we are coming here at this point in time and asking you what we are doing. When I look at it, I think it is a cost-savings to the County that we are not paying \$500,000.00 for three firefighters. Again, that is part of risk management in how we manage this high-hazard area.

Ms. Yukimura: No, my question is a technical one. If the grant does come through, I do not know if you can even create a civil service position if you cannot show ongoing funding. So it maybe a question for the new Human Resources department. That is just what I am not clear about.

Mr. Blalock: I understand the point that you are making and what you are saying. That is something that may be we have to come back to the Council about and how we would provide in a case of such. That is all I can say right now.

Ms. Yukimura: Okay. Then the other thing, who is paying the benefits? Is this money covering the benefits?

Chair Furfaro: This money is covering payroll and benefits for that period of time.

Ms. Yukimura: Okay, great. Then I guess in developing the strategic plan, is it just the insurance rating that is determinative of staffing? Or are there any measures that you use to determine what the staffing levels should be?

Chair Furfaro: Well, there are other measures. If I may, Chief?

Mr. Blalock: Yes.

Chair Furfaro: They grade you on response time. They grade you on the number of individuals covered for that particular station. Obviously, they rate the kind of equipment you have to respond to a fire. They also rate the buildings that are in that particular area, but here is the bottom line. We are one man short in station 3 right now. We have an opportunity to cover that through a grant and we have the following opportunities knowing our budget will grow in two years if we continue to keep the recommended staff levels, or we have to make a decision that we do not want the money now and therefore, station 3 will run understaffed, and in two years, we could have to make a cut in staffing. Those are the choices.

Ms. Yukimura: Well, which is why it is important to know what the status of the positions will be under grant funding? I mean whether it is civil service or contract and that is something that you will look at. I guess, the question is, is the Council obligated to fund the positions when the two-year grant is over? I mean, I think what the Chair said indicates that we are not. But what is your understanding or the Fire Department's understanding?

Mr. Blalock: Again, I am not ready to answer on that one. What I could go back to is that I could go back to our previous SAFER application and what we had, and that if we did not continue the staffing levels we originally submitted when we applied for the SAFER grant, we would have to return all moneys, all moneys that were provided to the County from day one. Because even our fifth year now goes back over where we are taking on full funding of the firefighters at Kaiakea. That is one of the things we are dealing with now. If I drop below my manning that we submitted at 129 paid staffing, if we drop below that, we would have to refund the Federal Government all of the 1.5 million that we received

prior to that. So, as far as what you are asking me, I cannot answer that right now, but I will provide the answer for you.

Ms. Yukimura: That really ties our hands if we are really strapped for money.

Chair Furfaro: Sure, but the problem we are faced with, we needed a new fire station at Kaiakea. We had an option to take a tiered grant from them. They gave us four firefighters year one, then three in the next, and two in the next, and now, finally down to one. The intent was providing us the funding. That is why it is for the SAFER grant. The safety is also related to the individual men that work the station. Or we could have not taken the grant and that 1.5 million would have been our total responsibility along with building the new station. That is why I summarized it. Item 1 two years from now we hope there is another SAFER grant we can apply for. Option 2 is that we do not take the safer grant right now. Lihue fire station 3 runs understaffed with the rescue team in it, and it might affect homeowner insurance rates, or we go to option 3, take the grant now, know that we might get an extension in two years, or know that to get us to the levels of insurance expectations, that \$479,000.00 becomes a burden. Those are the three options in front of us.

Ms. Yukimura: Well, I agree and it is just that we do not know what the budget situation will be in two years, you know? We have recently gone through a year where we had to furlough employees. And Keālia, once you make the commitment to having the fire station, you have to staff it at least to minimum levels. So maybe there was a long term commitment and I guess it is just raising the question of what our long-term commitments are going to be here.

Chair Furfaro: I hear your comments. I am going to recognize Mr. Rapozo and Mr. Bynum. I hate to be this blunt about it but this is money that is available to us now that defers some of the levels that we should be expected to have. Mr. Rapozo and then Mr. Bynum.

Mr. Rapozo: Thank you, Mr. Chair. Chief, is it a reimbursable grant? So we hire new positions and submit for reimbursement from the grant? Can we use these fundings for current existing vacancies or new?

Mr. Blalock: This is for new-hires and again it is for adequate staffing. The prior grant was exactly what you were talking about, that we went out to get our staffing levels at a par that we needed to have it at.

Mr. Rapozo: But this one creates the new usage?

Mr. Blalock: Correct.

Mr. Rapozo: Whether we take this grant or not, the Kaua'i Fire Department is going to have to fill those positions to meet the standards?

Mr. Blalock: That is what we are looking at and that is where it is going to come down, whether where we continue to, again, apply for these positions and whether it is for Administrative side or coming back to Council side asking for these positions. Again, what Chair Furfaro was touching on, it ties in on staffing levels, about insurance ratings, and to me the biggest one we talked about is that it is risk management not only for the Fire Department, but the County.

Mr. Rapozo: I appreciate the SAFER grant. The cops in schools grant, it is the same thing. They fund it for two years and give us an opportunity to not use County money for two years. Yes, we have to make a commitment to fund it later on down the road. I do not think that is an issue. I think right now, the understaffing, how is it handled? By overtime?

Mr. Blalock: Partially by overtime. Every day staffing levels are different whether it is sick-leave, vacation, things like that. So or even through us, even attrition lately, people have been retiring. So you call back and you pay overtime. There are costs involved at any time that you are trying to continue or provide a staffing level that is acceptable not only to the constituents here, but to our Fire Department to provide the safe environment for our firefighters.

Mr. Rapozo: Thank you.

Chair Furfaro: Mr. Bynum, you have the floor.

Mr. Bynum: Thank you, John, for all of the answers today. You and the Chief have come here and told us about the staffing plans. This is just the next step in something that you have presented here in the past, both with the previous SAFER grant and during budget, and I recognize that the Fire Department is very studious about their budget. You have the lowest variance of all the departments. You budget tight. You are very clear with us. This was something that we discussed previously. This is the next step. Am I correct in that?

Mr. Blalock: I know this is something that maybe we have identified and we have asked and maybe not prioritized it, I guess, as where we need to be prioritizing it. Again, due to what is presented to us and like I say, whether I get it now, two years down the road, it is still a need or an issue that we have identified as far as how we provide, again, fire service, fire service protection to the island of Kaua'i.

Mr. Bynum: I just want to recognize that we have had extensive discussion about staffing and finding the balance between having safety for our firefighters, safety for your community and response times that meet certain standards, while we also and I do not want to go too far afield, but we developed more outlying neighborhoods that make it more difficult for you. So land use decisions play into this, too. I am fine with this grant and I am glad that we have the availability to go for Federal funding, but I think we already know we have to make a commitment to adequate staffing. When we went to the Kaiakea to that first new station in what, 40 years or something? That it was going to—we were going to have to incrementally increase staffing. And have Federal funds available to do a portion of that is a good thing from my point of view. Thank you.

Chair Furfaro: Chief, thank you very much. Thank you very much for coming over. I will see if there is other public testimony.

Mr. Blalock: Thank you, Chair. Thank you, Councilmembers.

Chair Furfaro: Is there anyone in the audience that wishes to speak on this one? Lonnie? Did you two guys agree to switch? I just want to know,

because I called you up. Fine, I am fine with that, Mr. Rosa. I just did not know what you guys did, Mr. Rosa.

JOE ROSA: Good afternoon, members of the Council. For the record, Joe Rosa. I am listening to all of this stuff here, but you know, in Government procedure, everything is equal work, equal pay and then I never heard anything about the table of organization. In every shift in the Fire Department I guess there are these three 8-hour shifts and what constitutes a battalion? Twelve men? Eight men? Six men? You have got truck drivers and firefighters. What is the table of organization? Because somebody has to be there to fulfill each position. So what is your table of organization? How many firefighters? A truck driver? How much of this? How many of that? Then you go by that to bring your manpower level up. There is no set estimate on the table of organization as far as manpower to man the stations on that 8-hour shift. You people are overlooking something, which is a critical thing. While I was working, I was once at the Hanalei station and for the year they had an example of six house fires. Now in Honolulu, they get 6-8 firefighters within a shift, an 8-hour shift. So again, when you look at equal work and equal pay, Hanalei is 6 for the year and in Honolulu it is 6 in an 8-hour shift. So all of this has to be looked at carefully. You have to work with management and the unions to see what is the table of organization on an 8 hour shift. Those are the kinds of things. Also, everyone you say things about flood area, I look at it by it is the County that makes a lot of bad decisions putting those stations. Look at the Kōloa Fire Station, they made a new one. They put it in, a new one, in a flood zone area, Waitā Reservoir, would rupture like Ka Loko. With a tsunami, it is wiped out. Kapa'a is the same thing, Kaiakea, within the tsunami area, Waipouli too. Things of public safety have to be put in a safe area not in those kinds or areas that are subject to floods and tsunamis. You are spending taxpayers' money. I know the Kapa'a Fire Station arrangement was put up by the Army in World War II, right where the Ocean View Motel was. That is still there because the Army put it and it was the same thing like the Kōloa Fire Station if you look at the old type of barrack buildings put up. So a lot of things has to be clarified as far as funding. Where is your table of organization? I have not heard it mentioned. How many men do you need per shift at each station? If you have to bring it up to 10, you bring it up to 10 and thereafter. Like Mel says, you look for funding to continue the 10-man position. Sometimes people have to do their homework and see what the table of organization is. That goes for your engineering crew, if you are shorthanded you have to upgrade...

Chair Furfaro: Joe, I want to tell you that we just went through a budget. An organizational chart exists for the Fire Department. A staffing guide exists for the Fire Department. A staffing guide in concurrence with national standards exists for the Fire Department. What we have here you cannot meet those standards—the O.I.S., which is the Association of Insurance Policy Holders, they grade you and your community on what your fire premiums are going to be based on meeting the staffing levels, et cetera. The problem in particular that was triggered by the Chief and his staff is Līhu'e also housed a rescue team. That operates the boat and when they are on other calls, they are currently leaving the truck and battalion chief short one person. Applying for this grant now helps get them to that full level of staffing. But all of the things that you have queried on does exist and I will be glad to meet with you and the Deputy Fire Chief and go through those particular concerns you have. When it deals with the location, Mr. Bynum said 40 years. No, you are correct. We built in the early '80s in Kōloa. We built in the late '80s in Princeville. So we have community support from the stations, but your point about Kapa'a and the flood zone is something that has to be

in their strategic planning, because the Federal Government has indicated to us that station eventually needs to be relocated. That will show up in the strategic plan for the Fire Department. I just want to let you know, personnel staffing, organizational charts exist and I would be glad to share them with you.

Mr. Rosa: Jay, nothing against it, but I can say that out of the selection, Princeville was an ideal location. It is close within the community and it is on the safe side because of tonnage limit on the Hanalei Bridge. The people have got to consider that too because they do not want nothing changed and the State offered a new bridge when I was working, how many years, how many times, but they refused. They want the old atmosphere there. They have got to realize their insurance is going to be up. I talked to Mr. Craddick at the Water Department because of water departments and he told him about an area and he looked into it and said, "Gee, you are right. We have to look into that." That is why I am bringing it up to you. Maybe you were not aware. So I would like to see if you could do something about it, too.

Chair Furfaro: I will share with you right now the entire organizational chart for the Fire Department, the staffing that shows the three battalion shifts, and I would be glad to discuss this with you because through there, we have ocean safety that breaks off under one battalion chief. We have a prevention bureau that breaks off. We have Līhu'e-based ocean rescue and other emergency assignments. And it does exist, Joe, and I am going to give you a copy. If you would like to further discuss it with me, I would be more than glad to, okay?

Mr. Rosa: Thank you. That is about what I had to say. We are not aware of the table of organization. I know when I worked we had a table of organization in the office.

Chair Furfaro: I just wanted to assure you, your time is up, but I wanted to assure you that the questions that you raised do exist, the answers. Thank you.

Mr. Rosa: Thank you.

LONNIE SYKOS: For the record, Lonnie Sykos. Of the issues that impact insurance rates in our community is the issue of what size is the fire main? The fire main is not at least 6 inches in diameter you are not adequately covered unless there is a 100,000 gallon, 6 hours of full fire flow water available. So the issue of insurance and fire protection is a complicated one and it is the Council's obligation in this to look past just what is presented to the entire big picture. Simply hiring more firefighters does not deal with the other structural issues that impact insurance.

Chair Furfaro: I am sorry, you are wrong on that. You are wrong on that. And the four points that I pointed out to you, Lonnie, were only part of them. The insurance companies do look at the staffing levels.

Mr. Sykos: I did not say that they do not. I said...

Chair Furfaro: And they are part of the rating.

Mr. Sykos: They are part of the rating, but not the only part of the rating.

Chair Furfaro: Correct.

Mr. Sykos: And that things like the size of the fire main, if it is inadequate, is never compensated by having more personnel, just like inadequate personnel is never fixed by having a bigger water supply. And so these are complicated, interrelated problems.

Chair Furfaro: Like I said, I was not intending the four items that I mentioned were the only four items. In very remote places, you even get a higher rating, but it is depending if you have a tanker that you can bring water. So go right ahead.

Mr. Sykos: I thank the Council for paying attention to the long-term ramifications of taking grant money and creating short-term jobs and whether or not we are finding ourselves ensnared in long-term fiscal responsibility that we may not want to be involved in. I would also like to point out that in the budget testimony in the last two years, the Fire Department has said that they are inadequately staffed at the administrative level in order to pursue national accreditation. I systemically have an issue in any organization, I am not picking on the Fire Department, when an organization chooses not to become accredited and thus they are choosing not to follow the best practices, because the very first of the best practices is to get accredited. It is a perilous, slippery slope to start referring to the best practices of your industry association when you do not follow them in total. So, listening to the Fire Department, the assistant chief, I believe that is his title, the assistant chief said that the issue at the fire station that this grant specifically is dealing with...

Chair Furfaro: That is your three minutes, Lonnie, you have another three.

Mr. Sykos: Thank you...came about because of the decision to separate the fire suppression from the rescue services. This could be an excellent way to generate the need that this grant fulfills, but on the other hand this was a management decision made by the Fire Department that ended up—I do not know what the circumstances were prior, but from the way it was termed, I assume that they did not have this manning problem, or it was a different personnel problem than the current one of having the rescue service cannibalize the prevention or the prevention cannibalize the rescue service. I am unclear whether this problem at the station with personnel is self-inflicted by the management decision to separate suppression and rescue or whether it is part of a longer term issue. But I would simply hazard that looking at the national political and economical environment it is unlikely that the largess of the Federal Government will be able to be maintained at its current levels, even with its most progressive of takeovers by the Government. The money is simply not there. And were we to have a takeover by extremely conservative portions of our population, the money will dry up instantly. This entire deal of seeking Federal grants, I understand. I applaud it. But it is a high-risk game that you do not get yourself into obligations and then find your financing, if Federal money dries up, it is not just the loss of Federal money, but the loss of federal money to everybody, and tourism will go down and all of our economy will suffer. This is much bigger than simply three positions. This actually is a quite profound reflection on the policy and direction that the County is going to have regarding our vision of fiscal responsibility whatever we choose for that to be. Is it fiscally responsible to get on the hook to the Federal Government knowing that

their resources are drying up? So I am somewhat opposed to this because of unknown questions. The other ones being how much is it going to cost the County in indirect costs, such as the bookkeeping for payroll, retirement, health care, their uniforms, helicopter training? On and on. Those questions need to be addressed.

Chair Furfaro: Lonnie, those are your six minutes.

Mr. Sykos: Thank you, Chair.

Chair Furfaro: Thank you for pointing out the bigger issue here. Thus, you understand why the Fire Department at the request of the Council is doing a strategic plan.

Mr. Sykos: Correct.

Chair Furfaro: You also understand that with seven stations on an island with 69,000 residents, 20,000 visitors, we need seven stations. Therefore, we have been very delicately moving around this question about the costs associated with accreditation and the costs associated with finding two assistant chiefs?

Mr. Sykos: Correct

Chair Furfaro: The need is there, but we have been very cautious. But it is something if we want to get accredited, we have to do. Thank you for your comments on the rescue services, but right now they do exist and they are based at station no. 3. Thank you.

Mr. Sykos: Thank you.

Chair Furfaro: Any questions for Lonnie? If not, thank you, Lonnie, for your testimony. I think we are going to breach here on a lunch break. I would like to see if we cannot finish this piece of business I will call the meeting back to order. Vice-Chair Yukimura.

Ms. Yukimura: Just a point of clarification, Chair. This will be—these three positions will go to the suppression unit, right?

Chair Furfaro: I will give you my answer as yes. But I will make sure I get it officially from someone who wears a fire hat.

Ms. Yukimura: Thank you.

Mr. Blalock: For the record, John Blalock, Deputy Fire Chief. Councilmember Yukimura, yes, it will be going to suppression unit and again, that is what we are identifying and again, how the Chair explained it. It is something that is addressing how we, I guess, proceed in any fire incident. Again, it is the manning that will go to the suppression unit.

Ms. Yukimura: Chair, may I have one more?

Chair Furfaro: Yes, we are already 15 minutes past lunch and we have a public hearing in 45 minutes.

Ms. Yukimura: Basically, if we do get the grant, we need to fund it after the two years or you may have to return the money?

Mr. Blalock: I will get back with you on that question, because I do not have the answer right now. Going back to the previous grant it was yes. Each grant has different justification and I will get back to you.

Chair Furfaro: That potential exists. That potential exists.

Ms. Yukimura: Okay. Do you have a record of how many times you have gone below the minimum due to your rescue going out? How many times in a year?

Mr. Blalock: I could probably get something like that just going back and looking at what the staffing level were. Even with that, we have done whether it is call-back—there are always costs involved as far as when we leave the suppression unit short because of what we are mandated to do. There are costs involved.

Ms. Yukimura: I am not asking for costs, actually just the number of times that you are not covered?

Mr. Blalock: It is on a daily basis.

Chair Furfaro: No, but you could give us the history?

Mr. Blalock: Yes, I can.

Ms. Yukimura: Thank you.

Chair Furfaro: I am going to call the meeting back to order because I want to move on action on this grant. Further discussion, Mr. Rapozo.

The meeting was called back to order, and proceeded as follows:

Mr. Rapozo: Mr. Chair, he just want to say that this is a time-sensitive matter. The Fire Department, it is not the first time SAFER has come to us. The application has already been submitted. And it is an issue. It is an issue, because according to the Deputy Chief these awards go in rounds and if we miss our round we do not get the money. I just want to say, we need to support this. I did not hear any concerns about the financial situation of this County two years from now when we talked about the County's contribution for the bike path. I did not hear those concerns during the budget session when we were passing out positions like it was candy at Halloween. There were no concerns about the budget two years from now. This is an opportunity for this County to get two years' of paid fire department salaries, three new positions. And yes, if it entails a commitment of this Council funding it from the third year and on, I think that is a commitment that we need to make. That is just my opinion as Public Safety Chair. They are not asking for new positions to go out and do marketing. These are positions to fill a gap that currently exists. That is what this funding is for. Whether we fund it today or we wait three years and fund it with County money, we get two years of entirely paid for costs, including benefits. Mr. Sykos had a question about the benefits. This includes all of the costs for the three positions. So I am going to be supporting this and I hope we can get the support, so they can move forward and

hopefully get this grant and start moving forward and to fully staff our Līhu'e Fire Station. Thank you.

Chair Furfaro: I do not want to move this until after lunch.
Mr. Bynum, you want the floor?

Mr. Bynum: Yes.

Chair Furfaro: You have the floor.

Mr. Bynum: I will be brief. I am in support of this grant. This is something that we have discussed extensively with the Fire Department. The Fire Department is well run. I have had very few issues. They are always responsive and they budget tight. And finding that balance between doing what we can to provide the most safety and keep costs in order and that may impact accreditation. If I had more time I would talk about the land use decisions that we make, which make it really difficult for the Fire Department to find that efficiency.

Chair Furfaro: Thank you, Mr. Bynum. Councilmember Yukimura?

Ms. Yukimura: I just wanted to say that I did not have any objections to Councilmember Rapozo talking. I was just aware of the time constraint and the need to still fully discuss this matter. I am in support of this proposal, because of the Chair's insistence on a strategic plan. I think we need to always see the big picture. I really would have felt much more comfortable if this was a budget discussion when we looked at everything together. If we had said, because this is a commitment to three positions. That is how it feels. I think it would have been better saying this is our priority need, and we want you to dollar-fund it. If we are going to be able to get a grant for two years and we love it, but if this is making a commitment to permanent staff, we need to have a—it is not just a grant. It is a commitment to permanent staff and we need to have that kind of awareness and discussion in the context of long-range budget as we said during budget. Positions are long-term commitments. So thank you.

Chair Furfaro: Well, I hope that we will be seeing the strategic plan within about 14 months. Any further dialogue?

The motion to approve C 2012-364 was then put, and unanimously carried.

Chair Furfaro: We are going to come back at 1:45 p.m. for public hearing.

There being no objection, the meeting recessed at 12:48 p.m.

The meeting reconvened at 1:55 p.m., and proceeded as follows:

Chair Furfaro: We are back from recess. We are going to page four for Claims.

CLAIMS:

C 2012-367 Communication (08/16/2012) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Koga Engineering &

Construction, Inc., for damage to their vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

Mr. Kuali'i moved to refer C 2012-367 to the County Attorney's Office for disposition and report back to the Council, seconded by Ms. Yukimura, and unanimously carried.

C 2012-368 Communication (08/20/2012) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Elizabeth G. Villasista, for medical bills, pursuant to Section 23.06, Charter of the County of Kaua'i.

Mr. Kuali'i moved to refer C 2012-368 to the County Attorney's Office for disposition and report back to the Council, seconded by Ms. Yukimura, and unanimously carried.

C 2012-369 Communication (08/21/2012) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by James Harper, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

Mr. Kuali'i moved to refer C 2012-369 to the County Attorney's Office for disposition and report back to the Council, seconded by Ms. Yukimura, and unanimously carried.

C 2012-370 Communication (08/23/2012) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Gilbert L. Tabalno, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

Mr. Kuali'i moved to refer C 2012-370 to the County Attorney's Office for disposition and report back to the Council, seconded by Ms. Yukimura, and unanimously carried.

PLANNING COMMITTEE REPORT:

A report (No. CR-PL 2012-07) submitted by the Planning Committee, recommending that the following be received for the record:

"PL 2012-02 – Communication (07/31/2012) from Committee Chair Nakamura, requesting the presence of the Planning Director to provide a briefing on agricultural subdivisions in the County of Kaua'i,"

Mr. Rapozo moved for approval of the report, seconded by Mr. Kuali'i, and unanimously carried.

PUBLIC SAFETY & ENVIRONMENTAL SERVICES COMMITTEE REPORT:

A report (No. CR-PSE 2012-08) submitted by the Public Safety & Environmental Services Committee, recommending that the following be received for the record:

"PSE 2012-05 – Communication (08/13/2012) from Committee Chair Rapozo, requesting the presence of the Chief of Wastewater Division to provide a briefing on the Administration's efforts to address concerns regarding the foul odor coming from the Wailua Wastewater facility at the

entrance of the Wailua Houselots subdivision and to include an anticipated timeline to correct the problem,”

Mr. Kuali'i moved for approval of the report, seconded by Mr. Chang, and unanimously carried.

FINANCE/PARKS & RECREATION/PUBLIC WORKS PROGRAMS COMMITTEE REPORT:

A report (No. CR-FPP 2012-11) submitted by the Finance/Parks & Recreation/Public Works Programs Committee, recommending that the following be approved on second and final reading:

“Bill No. 2440 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED RELATING TO REAL PROPERTY TAX,”

Mr. Rapozo moved for approval of the report, seconded by Mr. Chang, and unanimously carried. (*See later for Bill No. 2440.*)

COMMITTEE OF THE WHOLE REPORT:

A report (No. CR-COW 2012-18) submitted by the Committee of the Whole, recommending that the following be received for the record:

“Bill No. 2438 – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 3 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE REPRESENTATION OF CLIENTS WITH CONFLICTING INTERESTS BY THE OFFICE OF THE COUNTY ATTORNEY,”

Mr. Rapozo moved for approval of the report, seconded by Mr. Chang, and unanimously carried. (*See later for Bill No. 2438.*)

A report (No. CR-COW 2012-19) submitted by the Committee of the Whole, recommending that the following be approved on second and final reading:

“Bill No. 2441 – AN ORDINANCE AMENDING ORDINANCE NO. B-2012-736, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013, BY REVISING THE SURPLUS AND APPROPRIATIONS ESTIMATED IN THE GENERAL, HIGHWAY, AND SEWER FUNDS,”

Mr. Rapozo moved for approval of the report, seconded by Mr. Chang, and unanimously carried. (*See later for Bill No. 2441.*)

A report (No. CR-COW 2012-20) submitted by the Committee of the Whole, recommending that the following be approved on second and final reading:

“Bill No. 2442 – AN ORDINANCE AMENDING ORDINANCE NO. B-2012-737, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013, BY REVISING THE

SURPLUS AND APPROPRIATIONS ESTIMATED IN THE GENERAL,
BOND, AND SEWER TRUST FUNDS,"

Mr. Rapozo moved for approval of the report, seconded by Mr. Chang, and unanimously carried. (*See later for Bill No. 2442.*)

There being no objections, the rules were suspended.

EXECUTIVE SESSION:

ALFRED CASTILLO, JR., County Attorney: Good afternoon, Council Chair and Councilmembers. Al Castillo, County Attorney.

ES-570 Pursuant to Haw. Rev. Stat. §§92-4 and 92-5(a)(4), (6) and (8), and Kauai County Charter section 3.07(E), the purpose of this executive session is to provide the Council with a briefing on Kaua'i Police Commission, et al. vs. Bernard P. Carvalho, Jr., in his official capacity as the Mayor of the County of Kaua'i, Civil No. 12-1-0229 (Fifth Circuit Court), and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item.

Chair Furfaro: Let us go into Executive Session.

The meeting was called back to order, and proceeded as follows:

Mr. Rapozo moved to convene in Executive Session at 2:00 p.m., as recommended by the County Attorney, seconded by Mr. Chang, and carried by the following vote:

FOR EXECUTIVE SESSION: Bynum, Chang, Kualii, Nakamura,	TOTAL-7
Rapozo, Yukimura, Furfaro	
AGAINST EXECUTIVE SESSION: None.	TOTAL-0
EXCUSED & NOT VOTING: None.	TOTAL-0

Chair Furfaro: I would like to indicate that we will come back to an Open Session after we finish this item. I would like to indicate to the staff if someone from Housing comes, have them stay. Okay? Do not send them across the street another time. We have a public hearing at 2:30. So let us go into Executive Session and then have testimony on the skateboard park at 2:30. Okay? We are going into Executive Session.

There being no objection, the meeting was recessed at 2:00 p.m.

The meeting reconvened at 2:30 p.m., and proceeded as follows:

C 2012-365 Request (08/29/2012) from the Office of the County Attorney for authorization to expend up to \$20,000 for special counsel's continued representation of the Kaua'i Police Commission and the Kaua'i Police Commission Members, in their official capacity, in Kaua'i Police Commission, et al. vs. Bernard P. Carvalho, Jr., in his official capacity as the Mayor of the County of Kaua'i, Civil No. 12-1-0229 (Fifth Circuit Court), and related matters.

Chair Furfaro: Okay. We are back from our Executive Session and Jennifer, I would like you to introduce yourself. I will suspend the rules.

There being no objections, the rules were suspended.

JENNIFER WINN, Deputy County Attorney: Deputy County Attorney, Jennifer Winn. The Office of the County Attorney, on behalf of the of the Kaua'i Police Commission is requesting an additional \$20,000.00 for its special counsel to continue representing them in the declaratory action that is pending right now in order to resolve the issue of who has disciplinary power of the Chief of Police.

Chair Furfaro: Members, you have any questions as presented? If not, thank you very much. Do I have a motion to approve?

The meeting was called back to order, and proceeded as follows:

Mr. Kuali'i moved to approve C 2012-365, seconded by Ms. Yukimura.

Chair Furfaro: Thank you, this will be a roll call vote, Mr. Clerk. Before I get there, I will see if anyone has any further comments. You are excused, Jennifer. Any members have any comments? Vice-Chair Yukimura?

Ms. Yukimura: It seems like a lot of money to add another \$20,000.00, but I also think that we need a clear ruling from the courts as to this problem, which has really divided our community, divided our County and so I think it is important to get a full hearing, both sides well-represented, and then a court ruling that will hopefully settle the matter. I am going to be voting for that.

Chair Furfaro: Councilmember Nakamura?

Ms. Nakamura: I too will be supporting this. While the legal proceedings are going on I would like to ask for a briefing back from the Mayor and Paula Morikami, Executive Assistant to the Mayor representing Boards and Commissions, to give us an update to establish a communications protocol between the County Attorneys, Mayor's Office and the Police Commission. We made the request in writing in May 3, 2012 and would like to get an update on their progress.

Chair Furfaro: Okay. Jennifer, may I ask you to come back up for a moment, please? I know you heard the request from Councilwoman Nakamura.

There being no objections, the rules were suspended.

Ms. Winn: Yes, Sir.

Chair Furfaro: The statement was communicated from me as Chair, asking that this happens. I would also assume that any discussions that they have in getting to an understanding would probably be done in Executive Session. So would you make certain that this request is shared with the County Attorney.

Ms. Winn: I will.

Chair Furfaro: And that we get an opportunity to post it accordingly for the briefing.

Ms. Winn: Okay.

Chair Furfaro: Thank you. Any further discussion, if not, I will call for a roll call vote.

The meeting was called back to order, and proceeded as follows:

FOR APPROVAL: Bynum, Chang, Kualii, Nakamura,	TOTAL-7,
Rapozo, Yukimura, Furfaro	
AGAINST APPROVAL: None	TOTAL-0,
EXCUSED & NOT VOTING: None	TOTAL-0.

Chair Furfaro: Thank you very much. Let us go to our next item here, although we have people that we postponed our meeting until 2:30, I am going to try to finish up with the Housing Director, since he is back over.

LEGAL DOCUMENT:

C 2012-366 Communication (08/30/2012) from the Housing Director, recommending Council approval of the Grant of Easement from the County of Kaua'i and Paanau Village Partners LP to the Board of Water Supply, County of Kaua'i, for a Paanau Village Phase 2 water meter project. (TMK: (4) 2-6-015:020)

- Grant of Easement for TMK: (4) 2-6-015:020

Mr. Kualii moved to approve C 2012-366, seconded by Ms. Yukimura.

Chair Furfaro: Thank you for your third trip over today, but we are trying to be more coordinated going forward internally. Would you like to comment on this item?

There being no objections, the rules were suspended.

KAMUELA COBB-ADAMS: Kamuela Cobb-Adams, and just wanted to thank you for approving it. We have close to 50 people living in Pa'anau Village right now. It is a great project and that water meter is essential. So thank you very much.

Chair Furfaro: Any questions for the Director of Housing? Thank you very much. Any other testimony on the Housing item? If not, I will call the meeting back to order.

There being no objections, the meeting was called back to order, and proceeded as follows:

Chair Furfaro: We will do a roll call vote.

The motion for approval of C 2012-366 was then put, and carried by the following vote:

FOR APPROVAL: Bynum, Chang, Kualii, Nakamura, Rapoza, Yukimura, Furfaro	TOTAL-7,
AGAINST APPROVAL: None	TOTAL-0,
EXCUSED & NOT VOTING: None	TOTAL-0.

COMMUNICATIONS:

C 2012-360 Communication (08/22/2012) from the Director of Parks and Recreation, requesting agenda time to brief the Council on the plans for a Skate Park in Līhu'e.

Mr. Rapozo moved to receive C 2012-360 for the record, seconded by Ms. Yukimura.

Chair Furfaro: There is a motion and a second. Lenny, the rules are suspended and I will give you the floor to make your presentation.

There being no objections, the rules were suspended.

Mr. L. Rapozo: Thank you, Council Chair, and good afternoon. For the record, Director of Parks and Recreation Lenny Rapozo. Being that this is an update, and not a report, I have a presentation for you, but I did not bring any handouts. I am going to ask these three gentlemen to come sit up here as soon as my presentation is done. They can give their input on our skate parks. You want to join me up here, gentlemen?

JERRICK CENTENO: My name is Jerriek Centeno and I go to Kaua'i High and I believe I kind of complained about this, not complained, but I brought it to people's eyes, I guess, maybe around 2008. But then people were still, like, I guess the Council and stuff kept on switching, so it never really came intact until 2010.

TODD ANDERSON: Hi. My name is Todd Anderson and I sit on the board of The Kaua'i State 'Ohana. It is an all-volunteer, non-profit organization and our goal is to enrich the youth of Kaua'i's lives through skateboarding.

ED JUSTICE: I am Ed Justice, and my wife and I own the bookstore "Talk Story" in Hanapēpē. We had community members, or young kids, approach us who were skateboarders, and they said they wanted to have a really cool place to skateboard and nothing was happening, so my wife and I approached Lenny in 2010 and have been working with him, Kaua'i Skate 'Ohana, and Jerriek's friends and everybody. Thank you.

Mr. L. Rapozo: Back in February of 2010, as Ed had said earlier, but just alluded to, he came in contact with Parks and Recreation and he proposed that we work in partnership to build a skate park in the Hanapēpē area to provide a safe place for kids to ride their skateboards. Mr. Justice suggested that the partnership of the County and the Lion's Club for which he is a member of. The County could provide the land and the Lion's Club would try to find the consultants to design the skate park and take the lead in the construction. At the time, Mr. Justice did tell me that what was happening is that the kids were riding all

through Hanapēpē Town on their skateboards and did not have a place to do their riding. So he felt there was a need and he came to us to see what our take was and what we could do. July of that same year, I met Jerrick, and he approached me and he told me that he and his friends were getting in trouble for riding skateboards around Līhu'e town—in trouble with the Police Department. I suggested to Jerrick that we will do a meeting and you will round up all whoever your skateboarder friends are and at this meeting, let us have a discussion about it. The meeting happened in August of 2010. At this first meeting with the Līhu'e skateboarders, we held it down at the former or temporary County Council Chambers down in Nāwiliwili and there were about 17 in attendance, and it was determined there is a need for facilities to address this sport. At the meeting, I asked the boys and girls, any of you play football? Any of you play baseball? Any of you play basketball? Any of you fish? Interestingly, I did not realize that none of them did that. All they do is ride skateboards. It was very apparent there is a need for such a facility, because we felt that we needed to do something for this segment of our community. The goal is to build a facility to support 20 to 25 skaters at any one time, and the County would look for different parks in Līhu'e for potential sites. At this point, mind you, we have Ed in Hanapēpē and I have Jerrick in Līhu'e, which are separate tracks; right? We are just being made aware of these.

When we talked to Jerrick and the boys, I told them that I am not a skater, and I do not pretend to know what skaters like. So they would have to provide the input in the design of a skate park what they would like to see in a skate park, and Jerrick, I made him the representative of this group since he came forward and he made an initiative, it was only obvious that he has shown the leadership to bring this issue to light. It made sense for him to be the representative. The skaters will help in facilitating the creation of this facility and the skaters would help with the public meeting notifications, community information meetings, and construction of the facility, self-policing of the facility, and educating the skateboard community of the rules and the safe operation of the skating in the park. This section here has been made known to not only the Līhu'e kids, but with Ed and talking with the Hanapēpē kids. That is one of our expectations that when we finish this facility, it will not just be a facility for them to use, they will have to take ownership and provide help in when we do the public meetings to be there to help us educate the community. Also to help with the public meetings, and when the construction of the facility, maybe not to physically do the construction, they may not have the technical knowledge to do it, but they can be there doing other things in the process. Once it is built, they will be responsible for helping to self-police the facility, keeping it clean, maintained, and educating those that use the facility as to what are the proper operations or uses of that skate park. It is our intent and hope that it will also build ownership within the users of this particular facility.

In September of the same year, I put together, for the sake of a better term, “married” The Kaua'i 'Ohana. That is when I met Todd guys. Interestingly, they were at the County Fair that year, with a half-pipe by the baseball field and it was interesting. I went there and I put my name on the list and met Todd. We put this non-profit organization and put them together with Jerrick's group and their motto is enriching life through skateboarding. K.S.O. was to help in the creation of the skate parks, not just only in Līhu'e, but they are interested and willing to help promote skateboarding all over the island. This is where it all started. It was apparent that we needed to be a united group with Ed's group, the Līhu'e group, and so we have completely put this activity, made it an island wide activity. Ed's group, which had started a little bit before Jerrick's group, they provided some design sketches to be used for the community outreach. He—this is what was—this

is what came up. Now these are just sketches that need to be transformed into conceptual designs and actual construction designs, but this is kind of what the feedback was of what the kids in the Hanapēpē area wanted to see in their skate park. Ed got someone within I guess the Lion's group to help to draw this out. It is like a plot plan. It involved the different conceptual designs that they wanted here into this plot plan.

Mr. Justice:

That was drawn by Roy Buduan from Hanapēpē.

Mr. L. Rapozo: These are just some of the rough drawings of what these features would be like. So this was all hand drawings. So we need it to be for possible sites in the Hanapēpē to 'Ele'ele area. We looked at these particular sites for the possibility of the skate park. We have Hanapēpē Town Park in the middle of Hanapēpē town, Hanapēpē Heights Park, which is above Moi Road, and 'Ele'ele Nani Park, and Hanapēpē Stadium. The Hanapēpē Town Park it appears is too small, as well as some of the other activities that goes on in the park. It would make a skate park in this particular one, or this activity to be very difficult to have going on. They have some community events in there that involves the mobile stage and they have other different activities. This was apparent that although the location looked to be right, it did not have the right amount of park space for it. Hanapēpē Heights Park poses a challenge for the kids to access, as well as the surrounding homes of the park. The 'Ele'ele Nani Park appeared to be one of the most logical sites because the users most likely attend the nearby school, but we ran into some community resistance when we started to do the outreach that made for this location too difficult for acceptance. So we looked at the Hanapēpē Stadium complex location, which would not have too much effect on homes nearby. There are some homes along the riverside, but there is a buffer zone where we are proposing to have the skate park. There will be impact to the current complex and its users, because currently soccer is being played there. But it is nothing that we believe could not be worked out. The kids would have to find their own way to the site, meaning from Hanapēpē Town, across Kaumuali'i to get to this site. We did an outreach at Hanapēpē Neighborhood Center with some favorable results. It was an information meeting. Some people came to question. We answered their questions. Recently, I have been made aware of that some in the soccer community have some concerns as to where we are going to be placing this park. So we need to do more outreach with the soccer community in Hanapēpē and I am making those arrangements as we speak.

This is part of the master plan and this is where the proposed skate park is. Which would be—this is the tennis court. This is the pavilion. This is that road, the backroad that goes into the Hanapēpē stadium complex and this corner here. There is talk of possible walking path, multi-use path going right here, where there is sufficient room here to allow it here from the road right-of-way. As I mentioned, the soccer community had some concerns because it would impact soccer, but in talking with some of our planners and discussing it, this is an approximately 100x100-foot facility that we are looking at. We could still move some of the soccer goals this way towards the baseball field and be out of the infield of the baseball field and still be able to play some of the soccer games here. The homes that could be impacted are here along the river. So there is somewhat of a buffer here, between here and this distance. Right now the current plan is to possibly have the skate park here in this Hanapēpē area. You have met Kaua'i Skate 'Ohana, Todd Anderson, but the board is Mark Cooper and Dustin McConnell. They joined the Hanapēpē project. The conceptual drawings need to be made to scale and provide a better understanding of the features of skate park. K.S.O. introduced Danny Way,

who is a professional skateboarder and resident of Kaua'i. Danny has committed to the project and will provide the technical knowledge and expertise to move this project. If you guys were to Google who Danny Way is, I guess the best way to describe Danny Way, he has been described to me as being the Michael Jordan of skateboarding. So he is willing to help us with the design and construction. Like any athlete, they want to see their sport grow and they want to promote their sport. Who is Danny Way? This is Danny Way. What is this jump? He now holds the world record in the longest jump. He jumped The Great Wall of China. This is the Great Wall of China, and this is the ramp he used to do that. I forgot how many feet that was. He now holds the record. It is nuts. We believe he has the technical knowledge to help with this project and he is committed to helping with the project.

In the Līhu'e area, we looked at these different parks. They are the Hōkūlei Park, Nāwiliwili Park, the Puhi Park fronting the highway, the area next to Y.M.C.A., and Vidinha Stadium. The Hōkūlei Park and Puhi park was not chosen because of the proximity of the surrounding homes. The Hōkūlei Park is the one right in the middle of that Hōkūlei Subdivision. The Puhi Park is the old park fronting the highway. Nāwiliwili Park, we felt was not suitable due to the current use by the community. We have K.Y.F. football practices there and other events that go on in the park. Just the location, we felt it was not a good place for it. The last two possible sites, the area next to the Y.M.C.A. or Vidinha Stadium Complex as it was also identified in the master plan. So it was decided upon this area at Vidinha Stadium, which is again 100x100 would be the area for the skate park in Līhu'e. In relation to looking at where this particular place is, this is Kaua'i Collision and this is right across the street from Kaua'i Collision, where we have the overflow parking or the little basin area. This would be the general area of where we want to put the skate park. Again we said we determined that to be the best place.

So our group, the four of us, and some others from Skate 'Ohana, we were fortunate that Danny Way was here about three weeks ago. We met with him up at his property and we wanted to just be very clear what the roles were. Up until this point, we met with Danny Way's representatives, his manager, the person who takes care of his place here, and they are all skateboarders who want to do this for the kids of Kaua'i. The County would provide the land and funding to purchase construction materials. Mr. Way has committed and has already started with his group to fundraise to help about construction labor and other costs and provide the final designs of the skate park using the people in his organization. Kaua'i Skate 'Ohana will be the non-profit to apply for the grant from the County and to head the construction and design of the skate parks. They will be the non-profit umbrella organization. Mr. Justice will take the lead and follow up in the Hanapēpē project. Jerrick will continue to ensure that this project meets the expectations and that it will be user-friendly for all of the stakeholders who want to use the park. We continue to consult with Mr. Way's group to complete the design of the Hanapēpē and Līhu'e skate parks. Each skate park will have its own features and by that, I mean in Hanapēpē, we showed what Hanapēpē will have. In Līhu'e, we would not replicate the same features, but they would have some other features for the Līhu'e one. If you wanted to skate a particular feature that is offered in Līhu'e, you come to Līhu'e. If you want to skate a particular feature in Hanapēpē, you go to Hanapēpē and skate there.

The Kaua'i Skate 'Ohana is considering an information day when the design is complete to get the reaction of the community. So we will continue to do community outreach. When we get the designs ready and completed, we have

talked about having something at the park where we invite the community in and do some community awareness and they can come and they can give us their input. Other skateboarders can come and give us their input, and taking all of this input, we would make decisions that need to be made at that time. Also, through the Mayor's community meetings, Waimea and Kekaha communities have also expressed interest in skate parks. However, no further plans or commitments have been made until we get this Hanapēpē and Līhu'e parks completed. And using this as the template model that we can expand to not only Waimea and Kekaha, but find places on the north shore or another place on Kapa'a, we could also do similar things in those areas, or even in Anahola or whatever community wanted to do it. In Kekaha, through our master plan meeting, it has been proposed that the skate park would be here. Currently it is just a proposal. I know there might be concerns with the residents here. Like I said, it is in the master plan that the Kekaha community wants a skate park and probably in this area here, but no final plans have been made as to its location. Our department of Parks & Recreation is committed to work with all parties to fulfill the need for a venue for another recreational activity for Kaua'i's youth and the "young at heart." I say "the young at heart," because Todd and his guys may be out of high school, but they all skate and that blows me away, because they are the young at heart. So again, this is Jerrick, Ed, and Todd. At this time I will open up for questions and answers or hear them speak first. I will leave it to the pleasure of the Chair.

Chair Furfaro: I will speak and pose a few questions first. So Lenny, of the potential five skateboard parks, we had land assets identified for three of them?

Mr. L. Rapozo: There are two skateboard parks right now, Chair.

Chair Furfaro: I understand you are talking about Hanapēpē and Līhu'e.

Mr. L. Rapozo: Yes.

Chair Furfaro: Your presentation said it encompassed other areas where we could put additional skateboard parks. Right now, if we were to move on only the land element, what sites do we have land for?

Mr. L. Rapozo: We looked at five sites for the park in Līhu'e but the one that we determined to be the most appropriate was at Vidinha Stadium. For Hanapēpē, we looked at four land sites and the one we felt most appropriate was at Hanapēpē Stadium.

Chair Furfaro: So in Vidinha and Hanapēpē, when we talk about the land asset component, you are comfortable and we have that covered?

Mr. L. Rapozo: Yes.

Chair Furfaro: Okay. Now within the budgetary guidelines, and I want to make sure that the gentlemen here who came and spoke understand, and I have been on the Council kind of a long time; we provide money that is in the C.I.P., but they need to realize it is not then the Council that authorizes the spending. It is the Administration of the Parks Department and so within our Parks Trust Funds, we have significant money with the exception of Waimea.

Mr. L. Rapozo: Yes.

Chair Furfaro: I am trying to line up the money and the land to see which will determine the priority of where we could put the parks. It is—we are about \$2.5 million in the total Park Trust Fund between the district where money is available. Is the Administration merging the land asset that we have with the districts that have money to actually determine the priority and have you presented that to the association?

Mr. L. Rapozo: No, we had looked at the land asset as being the most appropriate for the activity with the less impact to the surrounding community as being in the priority. The finances, we really will not have an exact idea until after the concept drawings and designs are completed to figure out what we need. They did present possible numbers but we really do not know the numbers until we see what the actual designs are.

Chair Furfaro: Is this a one design fits all parks?

Mr. L. Rapozo: No. As I had mentioned, we had talked about different features for different parks. So it would be unique to that area. It is their hope, and their dream is to have tournaments, competitions amongst kids, amongst adults, so each park facility would have its own specific features.

Chair Furfaro: Would that then require—it is like surfing, I mean, you go to Chun's Reef break and Sunset, right on down the line. But it is terrific from what I have seen of conceptual sketches and so forth. But in the long run, if we are doing two or three parks first are we talking about volunteer design for all of these?

Mr. L. Rapozo: That is our understanding with the Danny Way group.

Chair Furfaro: Do you have any contingency plans for any potential contribution to the design?

Mr. L. Rapozo: Danny Way is committed to fundraising some moneys from our meeting...

Chair Furfaro: On that question, we have to take a tape change.

There being no objection, the meeting recessed at 3:04 p.m.

The meeting reconvened at 3:10 p.m., and proceeded as follows:

Chair Furfaro: Okay. We are back from the tape change, and members, I am just trying to ask these questions so that we have a clear picture of the requirements of these potential assets. The gentleman who is offering these design elements, will he be... are we certain enough that he will place a value on them?

Mr. L. Rapozo: Yes, he will.

Chair Furfaro: And speak to the Council?

Mr. L. Rapozo: Yes, definitely.

Chair Furfaro: As to the gifted amount of the design?

Mr. L. Rapozo: Yes, definitely. Any other costs, moneys will be raised by that group, as well as this group here, Skate 'Ohana group.

Chair Furfaro: I want to make sure I clearly hear what you are saying and the group is saying, because it sounds like at this point, other than the 2.5 million that we have in the various Park Trust Funds, there is not a land item that we need to negotiate. There is not a design cost because this might be a complimentary (pro bono) and whatever materials we do need can be used in the existing Park Trust Funds, including, money that might be available from profit centers that the County has through the Parks Department. That is where we are at, Lenny?

Mr. L. Rapozo: Yes. And as other costs, as I said, I know Mr. Way has been raising—he has committed a lot of money so far that he has raised through different sponsorships that sponsors him and wants to be part of this activity. They think it is a great community activity, especially since he lives on Kaua'i. And these guys have also taken it upon themselves to go ahead and write for grants as well, and maybe they can say something.

Chair Furfaro: I know you know where you are coming from, and I am asking this in front of the group at this particular time, there is no additional financial seed money that the parks needs?

Mr. L. Rapozo: Yes, at this current time.

Chair Furfaro: There are no additional seed money needed at this time?

Mr. L. Rapozo: Yes.

Chair Furfaro: Okay. Thank you for the presentation. I will go to the Councilmembers with questions, and any of the guests, if you have part of the answer, just let us recognize you and you can respond. Mr. Chang.

Mr. Chang: Thank you, Chairman. Fellows, thanks for coming. First, I have a question for Lenny. So the Hanapēpē and specifically the Līhu'e site location, for both you mentioned that the skate park can work 100x100, but like in Hanapēpē's case you moved out the soccer a bit. Can 150x150 work?

Mr. L. Rapozo: Yes, it could work. But we felt that that was appropriate because actually the drawings that we showed were like 80x100. So we are putting aside 100x100 as the space in which the designers can work with.

Mr. Chang: Do we plan to have lights? Is this a night activity or strictly day?

Mr. L. Rapozo: As part of our discussion, we talked about skateboard rules and came up with some of them. That is part of the users, the kids ensuring that we do not have problems and I am sure we will not but the general

knowledge of putting up the rules of skate park. It is open from this time to that time.

Mr. Chang: So it is good with Jerrick's leadership, when we start the rules, it is enforced and they kind of verbally police it?

Mr. L. Rapozo: Yes.

Mr. Chang: So what do they say—if you build it they will come? If we build it, who will come? How many? Is there a ton of kids?

Mr. L. Rapozo: Yes, a ton.

Mr. Anderson: Our organization just finished two skateboard ramps up on the North Shore at the Anaina Hou where the mini golf is, and we have been pleasantly surprised—there are about 40 kids a day that uses that facilities. There are two skateboard ramps and it exceeded our expectation. It is kind of hard to tell how many skateboarders you have in your community because they really do not have a place to do it, so they are usually doing it in a place and hiding out so they do not get in trouble. If you build a skate park, you will be amazed how many kids will be there every day. It is really hard to put a number on it right now of how many kids there are that skateboard than you would imagine, and like I said, you never really see them because they will find a place where no one will hassle them.

Mr. Chang: When you first helped out the design or build and what have you – you used to skate quite a bit but now you cannot because there are a lot of kids?

Mr. Anderson: Yes, with the ramps that we just built, that is a good point. We put the ramps up and I drive by and many times it is so crowded, I have not really skated that much which is great. If we build some parks, you will be amazed. The Kapa'a Park is used quite a bit for being such a small facility and if we have some really nice world class parks, I think we will have a lot of kids skateboarding. In our organization, the whole idea is to do events and contests and it does not necessarily have to be a contest but an event, and Jerrick plays music, and just have a fun event where all the young people come and have a good time.

Mr. Chang: North Shore, for example, is there a bus stop there? Is it convenient for the kids to...

Chair Furfaro: Yes, there is a bus stop there.

Mr. Anderson: Yes, there is. That is always a good thing to have a bus stop close by. The Hanapēpē one would be great because the kids can come out from Kekaha and real easily on the bus, and so I think that is an awesome location as well.

Mr. Chang: On a safety note – skateboarding... you do not require a helmet for skateboarding?

Mr. Anderson: It is up to the user and the parents of the user. It is kind of like any other activity, the kids that are under eighteen, it is somewhat the parents' responsibility to decide how they want their kids to... in our

organization, we definitely promote the use of pads, especially for the young ones. We just did an event at Wilcox, they had the kids bikes and safety event to get a bunch of free skateboarding lessons and we put pads on all the kids. Yes, that is what we want to promote. One more note and I will let someone else talk, but our experience with the North Shore park so far has been really good with the self-policing and that is the kind of message we put out there like, "this is a privilege to have this and the fact that Bill and June Porter are allowing us on their property with this activity is really an honor," and we tell the kids that. Whenever I go to the property there might be one piece of trash on the ground, but the ramps are totally clean, and I talked to the landscaper on the property and he said they are doing a great job on keeping it clean and everyone is getting along really well. I think if we build a quality facility and let the kids know that the community is behind them then they will take pride in it. If we build something that is low key, they will just let it be. That is our goal as an organization is to make these kids feel like the community really wants them to excel in their dreams. Skateboarding can take you all over the world, can give you a career, you can do filming, all sorts of things. I know on Kaua'i, people are not that aware of how big skateboarding has become but it is really – it is main stream and all the opportunities are there for these kids to do. That is what our whole goal is – to give these kids an opportunity.

Chair Furfaro: Before we go any further, just to practice within our own rules, I will let each of you speak first, okay, you will get three minutes to talk about your endorsement for the park. When we go around, we will actually pose questions for you and if you could keep your response to that question, that is how we need to do it because we can go on with narrative for a very long time. Which of you would like to go first and give testimony about your commitment and your association with the club? Who would like to go first?

Mr. Centeno: I represent all my friends that skateboard and all the kids who are too scared to come up and talk and do not know how to talk, I guess. Like I said, I started skateboarding back in 2005 or 2006 and nothing has really progressed besides people's skills and stuff, and the way progress happens is if they watch skate videos or they go out to some street spot and progress there. But we are always getting kicked out. For instance, the reason why I brought it up to Ms. Yukimura or Ms. Kawahara is because we got caught by DMV for skateboarding around early 2008 and it was pretty harsh. We had seven policeman finger printed us and stuff and that was probably the most serious thing that happened. That is the reason why I got motivated to bring this up because we really do not have anywhere to go. The skate park down at Po'ipū got closed out – they took it out, the Kapa'a one is not really functional, it is really nothing. There is one on the base in Mānā but you have to have military ID and access, and besides that there is no really other place to go, so that is why I got motivated to bring this up.

Mr. Justice: My wife and I got involved with the making of the Hanapēpē Skateboard Park back in... I guess my wife conceived it in 2009 because we have a lot of young people that come and hang out in front of our store. They will also play music in front of the store on Friday nights and a lot of them are skateboarders and one of their major complaints were that they did not have good places to skate, just like Jerrick is saying, "Kapa'a Skate Park is barely passable as a skate park," it ends up being a BMX park. As Lenny pointed out, I met with him and got to talking with him about how we can get involved, but I think no matter where you put a skate park, kids from across the island are going to come to that skate park, they are going to ride the bus to get there, and I am sure that a lot of

the kids that come out to the North shore ramp are probably from all over Kaua'i just because they know there is a ramp to skate. They spend their whole weekends going to places to find places to skate. I think ultimately, it is just in the benefit of the community and the County and also our youth that we will have this opportunity to experience something they could have only dreamed of here on this island, and now thanks from help of the community and help from the County, we are actually all working together to make something great for everybody. I am thrilled to be able to have this opportunity to assist and looking forward to assisting more.

TODD ANDERSON: It is an honor to be a part of this and I am really looking forward to just making some cool things and I think people are going to really see how awesome a skateboard park once we have some. I know a lot of people have reservations about it but ultimately once the park is actually there, they are usually like, "this is amazing." They love watching the kids progress and help each other and whatnot, so thanks for having us here, and aloha.

Chair Furfaro: First of all, let me tell you, we are delighted that your association has hooked up with the Director of Parks and Recreation, so that we are all very clear the Council's role is obviously the oversight of County assets, but should funding be required and of course land acquisitions, that is the role of the Council. The design element, the funding, the fundraising – those components come under the Administration and you got the right man with Lenny, and let me compliment you for working together as an association. That is the series of questions I asked is, "what else can the Council do for right now," because I think all the moving parts are in the hands of the Director of Parks and Recreation and we are certainly there to kōkua, but it sounds like working with Lenny, you folks are well on your way.

Ms. Yukimura: I want to just commend Parks for your commitment to this project. It has been a long standing need and I actually want to acknowledge Jerrick's mom who wrote a letter to the editor, I think it must have been in 2007, explaining the plight of young people. I also want to acknowledge former Councilmember Kawahara who I think introduced you too, right?

Mr. L. Rapozo: Actually, Jerrick came to me with his mom.

Ms. Yukimura: Very good. I know that there was this very small interest, but without the commitment of the Parks Department, and that is what is so exciting, then to have the Kaua'i Skate 'Ohana be involved, you are really pulling all the resources together, and Ed, your commitment with your wife to meet some of the needs of the young people on the Westside is really a wonderful thing. It is very exciting to see this movement. I just had a couple of questions on the size. Todd, you mentioned a world class facility, is 100x100 the size for a world class facility?

Mr. Anderson: Depending on the size of the community. For Hanapēpē 100x100 is appropriate and it could always be a little bigger of course but it is not so much the size as it is the design, and that is what we are excited that Mr. Way is going to bring into the picture because I know anything that he and his group brings is going to be... are going to blow our minds kind of thing and will be an awesome design. It is really difficult to design a good skate park and utilize all the property correctly and have a nice flow to it.

Ms. Yukimura: It is good to have his expertise that is for sure. Who is going to be responsible for maintaining and taking on liability?

Mr. Anderson: That will fall under the County.

Mr. L. Rapozo: With regards to liability, Councilmember Yukimura, in May of 2010, I had asked the County Attorney what is the possible liability, and our County Attorney Amy Esaki said, "HRS 46-72.5 County's limited liability for skateboard activities at public skateboard parks," so I can read it to you if you want me to.

Ms. Yukimura: The main thing is that we need to do risk management and some of that comes in the design and then the maintenance. We really need to be really clear who is responsible, and in the design of it, you just want to take into account the safety issues as well as in the management of it and the rules. It is really going to fall on those of you that are planning and designing it and then whoever is going to be managing it and we want it... I guess we have some experience from Kapa'a in terms of rules and management but whatever we learned from there and apply and we might even talk to City and County which has some skateboard facilities to see... to not reinvent the wheel. I do not know if Mr. Way has those things covered too but sometimes it is different when it is a privately run facility versus a publicly run one, so I think all of those issues would have to be vetted and covered in your planning.

Mr. Anderson: I just want to say that those were one of our things that we talked about when we designed the Hanapēpē facility. We wanted it to be safe enough for the beginner but at least interesting enough for the advanced user. We did not want to have giant mega ramps in there or anything like that but just a general use skate park.

Ms. Yukimura: And then your thought of having a variety at different places as long as it is easily accessible by bus is an interesting idea. I think you have to address this policy issue that we address in every kind of sport, you make one in every neighborhood or do you have some regional ones that have special characteristics and people go there for different... go to whatever regional one, but when you think about resources both in terms of cost and materials and then management, to me, you might want to look at regional skateboard parks.

Mr. Anderson: That actually was our intention. (inaudible)

Ms. Yukimura: Because then you can really concentrate the resources. My other question was about the Vidinha Stadium site – can we put that back up because it is going to be close to what we are also looking at as a major sports and cultural facility; I believe that was part of the master plan and that was in the design. I am just wondering about parking requirements and whether all of this has been taken into account? I do not know what kind of parking needs are needed for... I do see that there are parking, I do not know what the capacity is of the large stadium but I am presuming...

Mr. L. Rapozo: Until this is complete, we envision this area to be parking of the stadium.

Ms. Yukimura: Okay. In the cultural arena, you are not thinking of putting football in there, you are just thinking of basketball?

Mr. L. Rapozo: Hula, basketball... multi-use.

Ms. Yukimura: Because I do not know... we started it when I was Mayor in conceptualizing that, but I think at that time we were talking about seven thousand to ten thousand people, but just making sure that... sometimes we just do conceptual designs and then when we go into... and I am not talking about conceptual design of the skateboard park, I am talking of the large arena and then when you go into specifics, you might find you need more space and so forth. I was just wondering whether that has been fully addressed so we are not surprised.

Chair Furfaro: We will keep that as a question later.

Mr. L. Rapozo: Alright.

Chair Furfaro: The agenda item today is the skateboard park and I can understand the connection to the need for the parking but the arena is a future item that will require multiple presentation for the Council.

Mr. Kualii: Aloha and mahalo to all of you for being here and for the work that you are doing. This is very exciting and I think it is going to catch on and it is going to end up happening in other places as well, so I look forward to these two places happening. Council Vice Chair Yukimura pretty much asked my question about maintenance and liability, but the other question I am curious about and I think is your chance to tell people about it too is the Kaua'i Skate 'Ohana, is it a club, a non-profit organization, is it primarily to develop these parks, and is there membership, is it islandwide?

Mr. Anderson: The Kaua'i Skate 'Ohana is a volunteer 501 ("c")(3) non-profit organization, and I sit on the board and am also the Treasurer. Basically, we are a group of skateboarders and other people too that saw that there was a need in this community. We all have seen it for a long time and this all came together and we decided that we wanted to start pushing the ball forward on this. Basically, we are not really an organization that wanted to build skate parks sort of speak, it is more about outreach with the kids similar to the Boys Scout program but through skateboarding. In order to do that we need facilities and places for the kids to skate, so that has been the motivation. It is really just to give back to the kids in skateboarding on this island and through that we realized that we have to get some skate parks built first and so that is what the group is all about.

Mr. Kualii: So if someone wanted to join your efforts and support you, they can just look up Kaua'i Skate 'Ohana?

Mr. Anderson: Yes, Kaua'i Skate 'Ohana.org is our website and it is all inclusive. After we built the ramps on the North Shore, we had a couple people approach us about wanting to help with the project that they are working on over there because they want to put a cement skate park at the mini golf course. They have a meeting tonight in fact, so we have a little group that is starting to...

Mr. Kualii: See you mentioned ramps on the North Shore, I think a few weeks back I went to Kilauea Community Meeting for Anaina Hou and they were having plans for a skate park and they showed these temporary...

Mr. Anderson: Half pipes...

Mr. Kuali'i: Is that what you are talking about? Did you guys do that?

Mr. Anderson: We built those. We had a fundraiser at the mini golf for skate parks and we raised enough money. In order to do something like that, you need to buy the proper outdoor surface for the ramp because of all the rain.

Mr. Kuali'i: Right.

Mr. Anderson: So the surface is somewhat of a plastic so it does not absorb water and stuff. We raised enough money to get the surface purchased and we volunteered and built those ramps and...

Mr. Kuali'i: From what they showed, it is very popular and very highly used.

Mr. Anderson: Yes, we felt really lucky to have the opportunity to build something like that for the kids and we are really excited too because it is an instant cure like the kids are skating now about ten years from now and whatnot... because it does take time to do all the stuff of course and so we are really excited that they gave us the opportunity to build those ramps.

Chair Furfaro: Could you state your website again, give us a post office box, and also a phone number if you would like if for anybody interested.

Mr. Anderson: So you can reach the Kaua'i Skate 'Ohana at Kauaiskateohana.org and all of our contact information and donation information is located on the website. Feel free to call me personally, my name is Todd Anderson and my number is 346-0420, if you have any questions or you want to get involved, I would be more than happy to have anyone help us out. Thank you.

Chair Furfaro: Thank you, Todd. Mr. Bynum.

Mr. Bynum: Hey Lenny, do you know what the footprint of the Kapa'a Skate Park is? Do you know how long it has been there?

Mr. L. Rapozo: A while.

Mr. Bynum: So while you are looking that up, I drive by that Skate Park and it has got a ton of kids always. You are right, it is not that challenging. I have visited Skate Parks in at least a dozen communities and have talked to their Parks & Recreation people, and they work all these issues out, it works. The driving line seems to be is it going to be attended or unattended. If it is unattended it may not be as elaborate, because then you cannot enforce the elements. We learned that at Kapa'a, we tried to be rigid wearing helmets and fence it off, but it did not work, but it is not that extensive. So we are kind of way behind the curve on this issue, on Kaua'i. I love what you guys are doing and very much appreciate it. I think and I hope we are looking at, and I do have questions, and he is looking it up. It is not that important, Lenny, I was just curious.

Chair Furfaro: It was during the Kusaka Administration.

Mr. Bynum: Right. One of our youth groups at Leadership Kaua'i did an event there, and they must have had 250 kids, and they built the ramps bigger out of wood because we could enforce it. I just think we really need to go on this sooner rather than later. My next question is do you have an ETA?

Mr. L. Rapozo: No, we do not.

Mr. Bynum: You had a question, Ed?

Mr. Justus: I was just going to try to answer your question. I believe the Kapa'a Skate Park is about the size of a basketball court; it is not very big.

Mr. Bynum: It is less than 100x100.

Mr. L. Rapozo: Definitely.

Mr. Justus: When we did the original plan for the Hanapēpē Skate Park which was, we had planned to be up in 'Ele'ele, I just took the size of 2 basketball courts and put them together, so that it could be bigger than what was at Kapa'a. Basically our timeline is going to be once we get, it is still to be determined, but as soon as possible. Right now we are just in the process of doing the construction plans, the overall conceptual design plans finished. Once those are done, then we will probably have a much better idea... I also wanted to say, I forgot to mention it, if anybody in the community or yourselves want to follow the Hanapēpē Skate Park as it goes along, we have a Facebook page and you can go to Facebook and type in: Hanapēpē Skate Park; you can check out the history of what has been happening, I try to update it as much as I can, as often as I can, with information and photos.

Mr. Bynum: I remember when a young man came here to Council during budget, and I do not think it was you, and said that surface at Kapa'a, it is asphalt and it is lousy, and within a few months it seemed, which is lightning speed for the County, we put down the same surface we put on the tennis courts; it improved it dramatically. So for young people who are out there, you come to Council and ask for stuff, you have amazing power. This is something that we need to do and so I really appreciate, Lenny, that you have identified and there is a lot of logic to the presentation you did. I hope Kapa'a and the North Shore...I think we need 4 of these at least, Hanapepe, Lihue, Kapa'a and somewhere on the North Shore.

Mr. L. Rapozo: The west side, Kekaha.

Mr. Bynum: That would be nice, too. I appreciate what you said, because I know years ago, this was not really recreation and you were talking about it as a sport and that it should be on equal footing with basketball and baseball and other sports. We had that argument about motorcross and the County now supports that activity, when we used to, way before you, kind of used to shun it. So thank you. Thank you. Thanks for answering the question.

Chair Furfaro: Ed, you wanted to contribute something?

Mr. Justus: Yes, I just wanted to say following with what you were saying about being a recreational sport, it is, because honestly, I do not see too many overweight skaters.

Mr. Bynum: That is true. I just have to say, I was old-school back in 2005. Well, I was skating when I was a kid and we did not do anything like you guys do these days. We did not have ramps; we thought it was hot if you could just spin around once or twice. The wheels were made of clay and if you hit a rock, it stopped. It has come a long ways.

Chair Furfaro: Obviously Ed, you have not seen Bynum and me skate. Lenny, too. Councilwoman Nakamura.

Ms. Nakamura: It will be very brief, but any activities that keep our youth engaged and keep them busy, even adults, I am going to support. And I also see a lot of new faces in this room of people who support this program, I believe. So thank you for coming out and showing your support by being here. Finally, this type of collaboration, getting everybody involved, all on the same page, thank you for your leadership.

Mr. L. Rapozo: Thank you.

Chair Furfaro: Lenny, it is very much appreciated, you reaching out to the group. I see there are several enthusiasts in the audience that might want to come up to speak before we vote to receive this item. So on that note, I would just like to thank you very much.

Mr. L. Rapozo: Thank you.

Chair Furfaro: I would like to thank you and the association. I would like to see if there is anyone in the audience who would like to speak. Hold on. I see you, JoAnn. Let me first give the floor to Councilmember Yukimura before I excuse you and see if she has any closing comments for you.

Ms. Yukimura: Actually, Mr. Chair, I wanted to introduce the young men in the back.

Chair Furfaro: That is what I just said, I am going to call them up, all of them. They came all of the way from school, all of them. Do you have any questions for this group?

Ms. Yukimura: No.

Chair Furfaro: I would like to ask the young group that came up to came up in pairs of 3 and introduce yourself, if you could, as skateboard enthusiasts and give the floor to Vice Chair Yukimura. Come right up. If you could start by introducing yourself.

TRYSON: My name is Tryson and I go to Kaua'i High.

OLIVER FERRIER: My name is Oliver Ferrier and I graduated Kaua'i High in 2008.

Chair Furfaro: How about the gentleman down at the end?

MICAH GONSALVES: My name is Micah Gonsalves and I go to Kaua'i High.

Chair Furfaro: And for yourself?

JERALD ANCHETA: I am Jerald Ancheta and I am home-schooled at Pacific 'Ohana Academy.

Chair Furfaro: I think Councilmember Yukimura might have something to share with you folks, especially thanking you for coming down, especially those who got out of school for the day. Vice Chair, you have the floor.

Ms. Yukimura: Well, actually, Chair, I was just going to introduce them from the floor, and then see if anyone wanted to testify, but you took the leadership as you well do and got them to actually sit up front.

Chair Furfaro: We bring up all the softball players and all the volleyball players and why not the skateboarders?

Ms. Yukimura: I just want to say in back there is Daryl Dabin and Oliver's girlfriend, whose name I do not know.

Mr. Ferrier: Eliza Defuntorum.

Ms. Yukimura: They are all skateboarders. I met some of them at the Convention Hall parking lot and it really is, as Councilmember Bynum said, wonderful to have young people here to inform us of your needs and issues, and share with us your insights and desires, so we can work with you, because as everyone has said, skateboarding is really an amazing sport. Not having the facilities to practice and to perform is really a disadvantage to you and to potential skateboarders, who could really get into the sport, too. So thank you, Chair. I will just leave it open for any of you who want to say something.

Mr. Ancheta: If I could say something?

Chair Furfaro: I can give you all 3 minutes each. Go ahead.

Mr. Ancheta: Like you said, if you build it, they will come. I know there are a lot of people that skateboard on this island and they do not have a place to go so that is a problem, and then there are people who would start skateboarding, I am sure, if a park was built. So it is kind of like what happened on O'ahu years ago, when they actually started building because they pretty much built all of those parks at one time on O'ahu. There is a big skate scene on O'ahu that has really taken off. The same thing could pretty much happen here. Just one park started and then it just started growing.

Chair Furfaro: Thank you for that feedback. Anyone else in the audience who wants to speak? Thank you very much for coming down after school. Is there anyone else in the audience that wanted to come up. I will keep you last, Lonnie. You always have such great comments for us. Thank you again. Anyone else in the audience? Thank you. Lonnie?

LONNIE SYKOS: For the record Lonnie Sykos. Hats off to all of you young skaters. Back in my day it was a 2x4 with the metal wheels off to your roller skates and we never thought about the possibilities of doing the things that you guys do. We were just not worried about breaking our arms going in a straight line

and what I witnessed at the Kapa'a Skate Park blows me away. It is not just a sport, they are real athletes, this is an amazing thing.

I am here to support this. I would also like to point out for the island as a whole, not just for the kids, in the late 1990's, I attended Maui Community College and in one of my classes, in a marketing class, the instructor had us go through and try and come up with ideas to create businesses of things that we felt were lacking in our life on Maui. And so a bunch of the kids came up with the idea for skate parks. And as they went and started and then we had to write business plans and so what they ended up doing in our class was the kids that were really involved, they wrote a business plan for a commercial park. And then from that idea went to the County Council and solicited the genesis of creating skate parks on Maui. Skate parks, I was amazed to see it is a huge industry. It is like people spend more money at a skate park than they do at Six Flags, dropping their kids off for a day. It is huge. Mr. Way, I believe, I do not know him personally, but I know the people of that level in the industry. They are not comparable to Michael Jordan. Michael Jordan just played basketball, they are comparable to Jack Nicklaus, Nicklaus was an extraordinary golfer who went on to an entirely new career of building and designing golf courses. So what is available to them through their world of skating are incredibly talented people at creating skate parks. And so there is a whole industry of them that are basically government-owned with those liabilities and use issues. And there is an entire industry out there of privately-owned skate parks, which is what is so exciting to me, seeing them working with Parks is oftentimes the ability to skate is based on whether you have enough money to go to the skate parks. But here, we have the possibility of truly creating world-class skate parks, which will open up an entirely new sector of our local economy.

County Clerk: 3 minutes.

Mr. Sykos: Right now skating is a relatively small deal, but over time, if there is a series of parks built, it would be very possible to generate events on Kaua'i to bring people in who would essentially be new tourists that are not coming to Kaua'i for the traditional beaches or whales or whatever, but an entirely new financial opportunity for the island to serve as both skaters, as well as the visitors that could come for skating events. So this obviously is all up in the air today as they go through the design process. But it seems odd to put the whole design thing into private hands. But I am confident that because of the strength of the industry, because of the size of the skating industry, which is much bigger than surfing, moneywise. Skateboarding is enormous compared to surfing and so everything is out there. If they continue to do their due diligence and press forward like they are doing, we very likely in the next few years could see skate parks that the people and the rest of the world are envious of. So tipping my hat to you guys, this is an awesome thing you are involved in. It is a good lesson to us adults and thank you to the Council for your time.

Chair Furfaro: Thank you Lonnie, I would not discount Michael Jordan too far, because he also designed shoes.

Ms. Yukimura: I also want to say, I do not think the County will leave the design entirely to a private entity because if we are going to be responsible for maintenance and liability, we have to make sure it is covered from the standpoint of the holder of the risk and the management. Thank you.

The meeting was called back to order, and proceeded as follows:

Chair Furfaro: Thank you, Lonnie. If there is no one else wanting to speak, I would like to call the meeting back to order. Lenny, on behalf of the entire Council, let me extend to you our big mahalo for reaching out with the organization and getting so involved that they have a point person. And may I also say if there is an opportunity to have Mr. Way on-island, and we can put him on the agenda, because there has to be some involvement by the County in the design element as it was pointed out by Vice Chair Yukimura. You know, the stamp of approval is needed, especially on the questions of liability. So that would be really great if we could have him on the agenda next opportunity. So on that note, Members, any further discussion before I go to receive this? Mr. Chang?

Mr. Chang: Yes, thank you, and thank you to everybody who came here today. It was great to have this on the agenda item. I just wanted to say a few words about self-policing and I think it makes a really great statement, especially up in Kilauea where the youth takes care of the park. I think it is really good and sometimes like Jerrick was saying, back in 2007 or so there were seven police officers writing tickets or what have you. But I just think that sometimes the youth get a bum rap. There is nothing to do. You just try to do what you want to do, wherever you are, and I think by self-policing the area and showing adults that you folks are very, very respectful, then I think that can set a precedent of every park that we are at. Especially, once we are done with the skate hours and people are gone and everybody takes respect to that. Todd was mentioning something also about the skating industry based on the fact it can open doors for photographers or clothing line or helmets or gloves or maybe some entrepreneur could open up a cool skate shop with boards or what have you. That could also lead to a really good economic boost here on this island of Kaua'i itself. I just think it is really, really cool and I think we have plans through Ed down in Hanapēpē and hopefully a faster moving track in Kekaha. I am thinking it is such a cool deal that I wish there was one stone that we could turn over that might be available somewhere in Līhu'e, because it seems like it may take way too long, that maybe some other place could be identified to fast-track it a little closer. Maybe if you folks can brainstorm and think there is one cool place around Līhu'e, I think that would be really, really good. I wanted to thank you folks for coming because it was a good agenda item and you folks spoke very well for the youth. Hearing from the testimony, there are way more skaters than we know of on this island and it would be great to have activity for the youth here. Thank you.

Chair Furfaro: Okay. This is going to be an item for us to receive. Is there anyone else who would like to speak before I ask to call for the vote? Mr. Rapozo.

Mr. Rapozo: Yes, I did not speak earlier because I did not have any questions. You put on quite a great presentation and so there were no questions in my mind, but I do want to say thank you for being here. I used to skateboard a long time ago. I got a few broken bones to prove it. But we used to skate the canals in Waipahu. That was a long time ago. If you folks ever skated canals, I think you folks are better off with skate parks. It is much safer. The only thing that I would ask, Mr. Chair, is that we keep this on the burner to some extent and maybe we get a timeline from parks, a conservative timeline, nothing that is too unrealistic, but something as a Council that we can keep an eye going forward, maybe working with the skateboard association, just so that we do not let this one fall because I think parks has done a great job finding the space. I cannot believe we have Mr. Way. I do not even know how he got the permission to jump The Great

Wall of China. He must be something special. As they say, "When the planets all line up, you have to take advantage of it." It sounds like the planets are lining up, so we have to get it down now before the planets are out of sync. Thank you, Mr. Chair.

Chair Furfaro: I agree with you. Lenny, if we could have a ten-day notice when Mr. Way is going to be on-island to put an agenda item to put on a discussion, if not, we should revisit this in December. Any other members? If not, I am going to ask for a voice call to receive.

The motion to receive C 2012-360 for the record was then put, and unanimously carried.

Chair Furfaro: Thank you very much. Thank you all for coming. It is very much appreciated and the update was very informative. I think we have one more item on the agenda today and it deals with bus fares.

Chair Frufaro: Let us give them a moment to step out. We will go to bills for first reading. Good ahead.

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2446) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 17A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO BUS FARES

Mr. Kualii moved for passage of Proposed Draft Bill No. 2446 on first reading, that it be ordered to print, that a public hearing thereon be scheduled for September 26, 2012, and that it thereafter be referred to the Housing / Transportation / Energy Conservation & Efficiency Committee, seconded by Ms. Yukimura.

Chair Furfaro: Some of this is based on some data that we had gotten from the students. I wanted to just hear from you about that ridership, the use volume and the pre-fixed ticket price. Do you have anything to give us today about that trial period?

There being no objections, the rules were suspended.

CELIA MAHIKOA, Executive on Transportation: In regards to the bill that we have submitted for amending our current bus fare structure to allow this program to begin, I had submitted a project summary, a final report on the Pilot Project that we were participating in with Kaua'i Community College over the past 11 months. Basically we had provided the enrollment ridership information that we had and we were able to obtain during the program.

Chair Furfaro: If you could just give us some of those highlights because we have a report, but the viewers may want to know. If you could just give us a few highlights about ridership and any increases from your report, that would be appreciated.

Ms. Mahikoa: Basically what we saw during the 11-month period was an increase in ridership. We do not have exact data on that. However, we do have an estimate of 10-15% increase in ridership during that period.

Chair Furfaro: You are not going to believe this, we have to take a break. We are going to break.

There being no objections, the meeting recessed at 4:04 p.m.

The meeting reconvened at 4:15 p.m., and proceeded as follows:

Chair Furfaro: We are back in session, and I am passing around a letter. I had a 4:30 meeting with the H.V.B., so I will be leaving at 4:30. Could you give us a synopsis of this first reading. You have the floor, then we are going to go into the last of the business which was my mistake. We only did bills for first reading. Please give us an overview of your statistical information.

There being no objections, the rules were suspended.

CELIA MAHIKOA, Executive on Transportation: Celia Mahikoa with the Transportation Agency, and just providing a brief synopsis of the Public Pilot Transit Project that we participated in with Kaua'i Community College and took place for 11 months from August 2011 through June 2012 during which time we were providing the students of Kaua'i Community College the ability to use public transit for paying no fares. For statistically, what we were able to obtain was that during the project period, for those 11 months we were able to provide 30,145 trips, which we came to seeing that it was approximately 6% of our total monthly ridership on the public transit system is what Kaua'i Community College students represented for our ridership. From that we are looking at the method in which we were to proceed with developing the discount bulk rate bus pass formula and how to proceed with that, and in doing so, we were able to determine what the amount of fares waived during that period were to align that with the anticipated revenue that we would need to agree upon with Kaua'i Community College in order to achieve a revenue-neutral result, which would be where the transit system would be carrying no additional financial—let us see, over discounting of the fares to where it would basically be continuing the amounts of revenue that we would be collecting by those students who are using the system, except that the costs would be distributed among the entire registering population for that semester. In conducting some research with transit systems within Hawai'i, as well as throughout the nation, we saw that a 20% rate would be what would be equitable for both K.C.C. and for the County. That in working through the numbers, we were able to determine that that would come to about \$20.00 per semester is what we are looking at. Right now it is all estimates that we are working with. We do not know what the actual enrollment will be for the Spring 2013 semester, should that be the period when we do implement this program. Basically we have been in communication with their student government representatives. I have spoken with Chancellor Cox and they are excited to work through the details in order to implement this program. That would be basically helping to plant seeds of transit-friendliness and transit use with youth on Kaua'i and help us with our traffic and parking situations as well as our petroleum consumption on Kaua'i. This is basically where I am right now as far as just appealing for an amendment to our current bus fare structure to allow this ability to enter into offering the college a discount of 20% of the cost of what it would cost to have a bus pass for 4 months of the semester.

Chair Furfaro: Excuse me, Celia, I want to point out to you, that I certainly want to make sure that the staffing levels, the vehicle numbers, and the fuel consumption along with repair and maintenance that was during the test

period. You need to remember that the goal here is to discount. You actually are trying to increase the number of occupied seats on those routes. If you do a variance and add additional bus routes, the most successful hotels run full, because there are no empty beds. The most successful bus lines run well when every seat is occupied because when a route goes and there is an empty seat, that potential revenue is lost forever. The goal to give the discount is to make sure that the routes we did during the pilot run full and not to be adding buses and so forth, because then you have the 10 or 15 empty seats on the second bus or the expanded bus. That is the key factor, to find out how we get as many seats occupied for the routes we committed to in the pilot. If you deviate from them, that comparison that allows up to a 20% discount does not exist because the bus is not a profit center for the County. The bus is a cost center for us. I would just encourage you the first blush is to remember what was in your study and try to follow that to get us to maximum seat occupancy. Again, this is only first reading. I wanted to give you a moment to share the results of that and we have a date and motion for September 23, is that correct?

Ms. Yukimura: The 26th.

Chair Furfaro: The 26th. Let me see if there are other questions and we will vote to get this out for public hearing. Vice-Chair Yukimura.

Ms. Yukimura: Thank you, Celia, for piloting this project, which I think is important to the college and to the bus system. With the proposed bill, the fares would be approximately—no, sorry. The student fees would be increased approximately by \$20.00 a semester?

Ms. Mahikoa: That is the estimate currently, yes.

Ms. Yukimura: The semester is about 3 months?

Ms. Mahikoa: Closer to 4 months.

Ms. Yukimura: Okay, four months. Normally, if a rider would be to pay for a bus pass, that would be \$25.00 per month and instead, the K.C.C. riders who do ride would be—I mean those who ride would be getting a ride for \$20.00 for four months. Then there are the students who do not ride, but if we do not get more people into the bus by choice, which is that they choose, we are not trying to force anybody, then actually at some point the college will have to provide more parking, which will then be a cost that will also be somehow and somewhere incorporated into the fees. I am guessing that bus service will even be benefiting those students who do not ride the bus in that respect. Is that fairly accurate?

Ms. Mahikoa: Applying logic, it would.

Ms. Yukimura: Okay. Do we know what percentage of the college attendees or students use the bus?

Ms. Mahikoa: I do not know offhand exactly the number of riders or the number of students who use public transit. We have trip information, but it would be a function of number of riders times the number of weeks or numbers of months that they use the service.

Ms. Yukimura: At some point that would be interesting information to get; the number of trips to and from—of the number of trips to and from the college, how many are by bus? And to see if that reflects the modal share of the general population or if it is better. If you keep your eyes open for opportunities to get that information, that would be good. Thank you very much.

Chair Furfaro: I would like to move that we move on and vote on this. But I want to make sure that the posting is revisited, because what you are posting is not a 20% discount. It is an 80% discount. So that is why I tell you not to deviate from the schedule that you did the study on. The bus is a cost center and this is a huge discount. Should we bear the cost of the discount of the bus or should the State bear the cost on adding a few parking stalls? That is debatable, but let us correct the bill. It is an 80% discount.

The motion for passage of proposed Draft Bill No. 2406 was then put, and carried by the following vote:

FOR PASSAGE: Bynum, Chang, Kualii, Nakamura,	TOTAL-7,
Rapozo, Yukimura, Furfaro	
AGAINST PASSAGE: None	TOTAL-0,
EXCUSED & NOT VOTING: None	TOTAL-0.

Proposed Draft Bill (No. 2449) – AN ORDINANCE AMENDING ORDINANCE NO. B-2012-737, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013, BY ADDING A NEW BUDGET PROVISIO AND AMENDING AN EXISTING BUDGET PROVISIO IN THE CAPITAL BUDGET RELATING TO PROJECTS FUNDED WITH COMMUNITY FACILITIES DISTRICT BONDS

Mr. Kualii moved for passage of Proposed Draft Bill No. 2449 on first reading, that it be ordered to print, that a public hearing thereon be scheduled for September 26, 2012, and that it thereafter be referred to the Committee of the Whole, seconded by Ms. Yukimura.

The motion for passage of proposed Draft Bill No. 2449 was then put, and carried by the following vote:

FOR PASSAGE: Bynum, Chang, Kualii, Nakamura,	TOTAL-7,
Rapozo, Yukimura, Furfaro	
AGAINST PASSAGE: None	TOTAL-0,
EXCUSED & NOT VOTING: None	TOTAL-0.

Chair Furfaro: Thank you. Now let us go to bills for second reading and that will complete our business for the day.

BILLS FOR SECOND READING:

Bill No. 2438 – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 3 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE REPRESENTATION OF CLIENTS WITH CONFLICTING INTERESTS BY THE OFFICE OF THE COUNTY ATTORNEY: Mr. Bynum moved to receive Bill No. 2438 for the record, seconded by Mr. Kualii, and carried by the following vote:

FOR RECEIPT:	Bynum, Chang, Kualii, Nakamura, Rapoza, Yukimura, Furfaro	TOTAL – 7,
AGAINST RECEIPT:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0.

Bill No. 2440 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED RELATING TO REAL PROPERTY TAX: Mr. Bynum moved for adoption of Bill No. 2440 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Mr. Kualii.

Chair Furfaro: Anyone from the audience willing to speak on this?
Mr. Rapozo?

Mr. Rapozo: Mr. Chair, I think we all got testimony from Tina Sakamoto and I am not sure if everyone had a chance to read the email. She does bring up some valid concerns and I was not sure how time-sensitive this matter was. But do you know, Mr. Chair?

Chair Furfaro: Actually, I have set up a meeting and I also got a copy of that letter for Friday with Steve Hunt. My thinking was to answer some of those concerns to get more clarity about the application for Friday and then my commentary would be to Tina Sakamoto who is corresponding on behalf of others that at the public hearing, we can air some of those concerns out since I had those questions.

Mr. Rapozo: This is the second reading. So this is done. This will be it. I do not know, maybe we can call over Finance if there is an issue or if there is an implementation date that we need to get it passed by which oftentimes it is. I did not really consider her concerns until she brought it to our attention and she does bring up valid concerns.

Chair Furfaro: I had the concern that I sent over to Steve about the actual application. What does it look like? How does it get graded? So we can—I think we have an opportunity to defer this, if you so choose. Vice-Chair?

Ms. Yukimura: If there is a possibility of time constraint, maybe we should just do it to a special meeting—we do not have another meeting next week, do we? It would be three weeks if we go from Council meeting to Council meeting, unless we do it at a special Council meeting.

Chair Furfaro: I will be real bold here. The reason I called him, I said, “How does somebody apply for this? What does the form look like?” I was not satisfied. I set up a meeting for Friday. Let us see if we have any information about the time. I was reminded by the people that this does not cover some of the concerns that Tina has other than the dates. I do not know if you got my email, but I invited you to join me on Friday, Mr. Kualii.

Mr. Kualii: Thank you, Mr. Chair. I did want to say that this was about changing the dates and I see that we should—there is nothing wrong with moving forward with that, but that other matter that was brought forward by Ms. Sakamoto had more to do with the gross receipts versus that and the hardships it might cause because the people who are not able to claim their health care exemptions. I do think that it is a valid concern and that it can be addressed in a

different way, maybe by putting something new on the agenda, after talking with Real Property Tax.

Chair Furfaro: You are planning to join me on Friday?

Mr. Kualii: Yes.

Chair Furfaro: From what I read from your comments, we are fine moving ahead. Mr. Bynum

Mr. Bynum: I also saw Ms. Sakamoto's email and I talked to another constituent who has other concerns that I am following up on but it is not related to this bill; it is related to a bill that we already passed. But if there are problems and sounds like a couple of us are looking into it and if there are problems, it is going to require a new bill to fix it. There is an additional thing that I just became aware of. I need to talk to real property. I do not think it impacts this bill.

Chair Furfaro: I want to say it was this bill that was brought to the attention of Miss Sakamoto and a number of seniors. It was raised by Mr. Rapozo as a concern. It would mean amending another bill, but this one, I think, we are fine on the date. But you know, we cannot have five of us looking at the same thing. If one of you wants to pursue her piece, I am fine to bow out of the discussion. But it has to do with a bill that was already submitted to us by the Administration, and when I started probing it, some of the standard systems do not actually exist.

Mr. Bynum: I think we can continue this discussion if we all agree it is not related to this bill and we are okay with that.

Chair Furfaro: I have already said that. It was as Mr. Rapozo that raised it and I went blank for a minute, because I was talking to the tax office yesterday. I will continue to pursue this with Mr. Kualii. We will get back to you if there is more other than what we touched base with him on then we will leave that to the others. Mr. Rapozo are you satisfied that this deals with critical dates versus the comments that came about the actual application and qualifying?

Mr. Rapozo: If that is the decision of the body, that is fine. As long as we do move forward on some of those concerns and I think with her concerns, without getting into a big debate today, is valid and we should probably take a second look at it. Thank you.

Chair Furfaro: Okay. This is second reading. This is the date changes on the critical path and we will do a roll call vote.

The motion for adoption of Bill No. 2440 on second and final reading was then put, and carried by the following vote:

FOR ADOPTION: Bynum, Chang, Kualii, Nakamura,	TOTAL-7,
Rapozo, Yukimura, Furfaro	
AGAINST ADOPTION: None	TOTAL-0,
EXCUSED & NOT VOTING: None	TOTAL-0.

Chair Furfaro: I will have to turn the meeting over to Vice-Chair Yukimura as I have a previous engagement for 4:30. You do have my circulated note. Mr. Chang, will you join me on this meeting?

Mr. Chang: I will catch up with you.

Ms. Yukimura: Thank you, Chair.

Chair Furfaro: You have the meeting.

Ms. Yukimura: We will take the next bill, please.

Chair Furfaro was noted excused from the meeting at 4:35 p.m.

Bill No. 2441 – AN ORDINANCE AMENDING ORDINANCE NO. B-2012-736, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013, BY REVISING THE SURPLUS AND APPROPRIATIONS ESTIMATED IN THE GENERAL, HIGHWAY, AND SEWER FUNDS: Mr. Rapozo moved for adoption of Bill No. 2441 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Ms. Nakamura.

Ms. Yukimura: It has been moved and seconded to approve Bill No. 2441 on second reading. Any discussion?

Mr. Rapozo: I have some comments. Are you going to take public testimony?

Ms. Yukimura: Thank you. I should and I will. Anyone for public testimony? If not, we are back in order and Councilmember Rapozo.

Mr. Rapozo: Thank you. As I stated at the committee meeting that I will be supporting these bills obviously because we are required to pass these bills to balance the budget. I am not going to rehash a lot of my concerns that I did at the last committee meeting, but I do want—there was a lot of media publicity and press releases to assure the public there is not money missing. If there was not money missing we would not be here today getting money from the surplus and revenue funds to replace the money that was not there. I think it is disingenuous to tell the community that the money was missing when, in fact, money was not there. If the money was there, we would not be here today with a money bill to take from moneys that we did not anticipate. The fact of the matter is that the moneys were not there at the time July 1 rolled around, causing the budget to go into an unbalanced status. These money bills are required because we have to balance the budget. Obviously I will be supporting it, but I just wanted to make that clarification that the reality is that when the accounting department went in to transfer the funds that they were not there; hence, money bills. That is what I wanted to put for the record today. Thank you.

Ms. Yukimura: Thank you. Councilmember Kualii.

Mr. Kualii: Just briefly, the way I understood it and the way I saw the \$500,000.00 for the Drug Treatment Center was that in one year it was seen as a surplus, and it was used to balance the next year's budget. The Council

took that action. Then after our Council action, two or three weeks later, the Administration encumbered that same \$500,000.00. So when you spend the same \$500,000.00 twice, you have a shortage of at least \$500,000.00 and that was just the one example about the Drug Treatment Center. There were others and it all added up to whatever it was, \$2 million. Yes, we are here doing a money bill to correct the budget error, an error that should not have happened, but I am sure we will be more careful next time and not almost sort of like spending the same money twice. I mean, it is crazy to think that it even happened. Thank you.

Ms. Yukimura: Thank you, any other discussion? If not, roll call vote, please.

The motion for adoption of Bill No. 2441 on second and final reading was then put, and carried by the following vote:

FOR ADOPTION: Bynum, Chang, Kualii, Nakamura, Rapozo, Yukimura	TOTAL-6,
AGAINST ADOPTION: None.	TOTAL-0,
EXCUSED & NOT VOTING: Furfaro	TOTAL-1.

Bill No. 2442 - AN ORDINANCE AMENDING ORDINANCE NO. B-2012-737, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013, BY REVISING THE SURPLUS AND APPROPRIATIONS ESTIMATED IN THE GENERAL, BOND, AND SEWER TRUST FUNDS: Mr. Rapozo moved for adoption of Bill No. 2442 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Mr. Chang.

Ms. Yukimura: Thank you. Is there anyone in the audience who wishes to speak?

Ms. Yukimura: Lonnie?

There being no objections, the rules were suspended.

LONNIE SYKOS: For the record Lonnie Sykos. Thank you, Council for the opportunity to speak. I simply came up here to reinforce what Mr. Rapozo and what Mr. Kualii have said and what has been said in the press and said here in these Chambers. It is inexcusable to lose \$1 million. It is just inexcusable. It is not what we pay people money for and I will reiterate that the Administration has observed that their systems are antiquated, and the antiquated systems perhaps have to do with this problem occurring. But the fact that the antiquated system is there is the choice of the Administration. The process failure is not an excuse. The process failure is a condemnation of whoever is in charge of the process. It is not just a matter of cleaning our spreadsheet up, so that we are in compliance. As I read through the document that I got about the County's finances, we are out \$1 million. You are shaking your head, Tim, but we started out with our surplus having an amount of money in it and our surplus is shrinking as the money is being used for things that were not in the budget. We basically altered our budget and said everything is okay. But our surplus is shrinking. That is what the document shows and yes, we are taking out of one account and putting it into other account, but whatever the Administration needs to do to clean this up is not about cleaning up this bookkeeping problem. It is about cleaning up the fact that they have an issue

maintaining their books. That is what needs to get changed for the public. Thank you.

Ms. Yukimura: Thank you. Any questions? If not, thank you very much. Is there anyone else who wishes to testify? If not, we are back in order. Is there any discussion on the motion? Councilmember Bynum.

There being no objections, the meeting was called back to order, and proceeded as follows:

Mr. Bynum: I apologize, I stepped out for a moment, so I did not hear the comments from Councilmembers Rapozo and Kualii, but I did hear what Lonnie said. So what happened here last week is these bills are essential to get our books in order. What the Council Chair asked for last week, he said he would do a separate posting on the adolescent treatment issue and what Mr. Sykos said we have another money bill that does tap into the surplus, but it is unrelated to these two bills. It goes into the surplus, taws or because those are the funds that we have available and has to do with storm damage. I do not want there to be confused issues. I am supporting these bills because they are the right things to do to get our books in order. The Chair has already said that we will address some of the issues that Mr. Sykos just brought up in future postings. And so it is just about honoring the Chair and the way he wants to do this step-by-step. It tends to be his style to be systematic, in order to bring clarity to the process. So I do not think we are done with the discussions, but it is time now we can at least get back to a balanced budget, the way we are required to be.

Ms. Yukimura: Any other discussion? Councilmember Rapozo?

Mr. Rapozo: Yes, I just wanted to say as far as what Mr. Sykos said about the outdated system and that I do not believe that is the issue here. I think it was just a conscious effort by the Administration to utilize or encumber funds that they are legally authorized to do, because it was still in the fiscal year. So the question is not about whether or not that encumbrance was legal. We know it is legal because it had already been approved, but the conscious effort to encumber the funds, knowing that the Council earmarked those specific funds to balance the budget, I think is the bigger problem. It is not a system problem. It was a problem that should have never happened, because the Administration should have known that, in fact, that money that were to be encumbered in the next fiscal year were required to balance the budget for the next fiscal year. That is the problem. It is not the system. It is not the spreadsheet, it is really that decision to use those funds, knowing that these funds were going to be required to balance the budget. So like Mr. Bynum said, this is the mechanism that we have to balance the budget. It requires us to support it. I am not comfortable doing it, but I do not see any other option. Thank you.

Ms. Yukimura: Any other discussion? If not, roll call vote.

The motion for adoption of Bill No. 2442 on second and final reading was then put, and carried by the following vote:

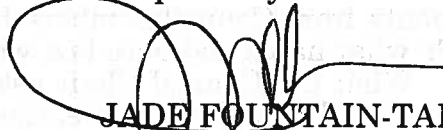
FOR ADOPTION: Bynum, Chang, Kualii, Nakamura,	TOTAL-6,
Rapozo, Yukimura	
AGAINST ADOPTION: None	TOTAL-0,
EXCUSED & NOT VOTING: Furfaro	TOTAL-1.

Ms. Yukimura: The bill is approved. Is there any further business?
No further business. Thank you. There being no further business, the meeting is adjourned.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 4:47 p.m.

Respectfully submitted,



JADE FOUNTAIN-TANIGAWA
Deputy County Clerk

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